

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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NEW DELHI, SATURDAY, AUGUST 30, 1969/BHADRA 8, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 6 अगस्त 1969 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 6th August 1969 :—

Issue No.	No. and Date	Issued by	Subject
259 S. O. 3057, dated 1969.	28th July,	Ministry of Finance	Appointment of Shri M. Panchappa as the Collector of Customs, Bombay.
S. O. 3058, dated 1969.	28th July,	Central Board of Excise and Customs.	Direction that Shri M. Panchappa, Collector of Customs, Bombay shall not, as such Collector, exercise any powers or discharge any duties conferred or impose on a Collector of Customs under the Customs Act 1962 (52 of 1962), other than those under Chapter XIV thereof.
260 S. O. 3059, dated 1969.	29th July,	Lok Sabha Secretariat	Election to the Office of President of Indians. Final list of candidates for election.

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 3060, दिनांक 29 जुलाई, 1969।	लोक-सभा सचिवालय]	भारत के राष्ट्रपति के पद के लिये निर्वाचन
261	S. O. 3121, dated 31st July, 1969.	Rajya Sabha Secretariat	Public Notice of Election to the Office of Vice-President of India.
	एस० ओ० 3122, दिनांक 31 जुलाई 1969।	राज्य सभा सचिवालय	भारत के उपराष्ट्रपति के पद के लिये लोक सूचना।
262	S. O. 3123, dated 31st July, 1969.	Election Commission of India.	Appointment of dates for the Vice-Presidential Election.
	S. O. 3124, dated 31st July, 1969.	Do	Fixation of place and hours for the Vice-Presidential Election.
	एस० ओ० 3125, दिनांक 31 जुलाई, 1969।	भारत निर्वाचन आयोग	उप-राष्ट्रपति निर्वाचन के लिये तारीख नियत करना।
	एस० ओ० 3126, दिनांक 31 जुलाई, 1969।	तदव	उप-राष्ट्रपति निर्वाचन के लिये स्थान व समय नियत करना।
263	S. O. 3127, dated 31st July, 1969.	Ministry of Finance	Appointment of valuers for the Estate Duty Act, 1953 as specified in the appendix therein.
264	S. O. 3128, dated 2nd August, 1969.	Election Commission of India.	Making corrections and amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1966.
265	S. O. 3129, dated 5th August, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.
	एस० ओ० 3130, दिनांक 5 अगस्त, 1969।	सूचना और प्रसारण मंत्रालय	अनुसूची में दी गयी फिल्मों को स्वीकृत करना।
266	S. O. 3131, dated 5th August, 1969.	Ministry of Foreign Trade and Supply	Arrangement in the ratification No. S. O. 1004, dated the 23rd March, 1967.
267	S. O. 3199, dated 5th August, 1969.	Election Commission of India.	Appointing the 20th August, 1969, as the day on which and 11-30 A. M. of that day as the time at which the counting of votes at the Presidential election 1969 shall take place in the Office of the Returning Officer in New Delhi.

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 3200 दिनांक 5 अगस्त, 1969	भारत निर्वाचन आयोग	20 अगस्त, 1969 को ऐसे दिन के रूप में नियत करना जिस दिन, और उस दिन के 11.30 बजे पू. का समय ऐसे समय के रूप में नियत करता है, जिस पर राष्ट्रीय निर्वाचन 1969 के मतों की गणना रिटनिंग आफिसर के कार्यालय में की जायेगी।
29	S. O. 3201, dated 6th August, 1969.	Ministry of Industrial Development, Internal Trade and Company Affairs.	Cancellation of Notified Order No. S. O. 867, dated the 15th May, 1958 with effect from the 15th August, 1969.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अभिवृत्तियाँ

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 8th August 1969

S.O. 3396.—In exercise of the powers conferred by Sub-Section (1) of Section 13A of the Representation Act, 1950 and sub-section (1) of Section 7A of the Jammu and Kashmir Representation of the People Act, 1957 the Election Commission, in consultation with the Government of Jammu and Kashmir, hereby nominates Hakim Saad-ud-Din, Secretary, Legislative Council, as the Chief Electoral Officer for the State of Jammu and Kashmir from the 1st August, 1969 and until further orders *vice* Shri S.A.S. Qadiri.

ORDERS

New Delhi, the 7th August 1969

S.O. 3397.—Whereas the Election Commission is satisfied that Shri Godey John David, Vangayagudem, Eluru, West Godavari District (Andhra Pradesh), a contesting candidate for election to the Andhra Pradesh Legislative Assembly from Eluru constituency, held in February, 1967, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Godey John David to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State for a period of three years from the date of this order.

[No. AP-LA/70/67.]

New Delhi, the 13th August 1969

S.O. 3398.—Whereas the Election Commission is satisfied that Shri Jasjit Singh, Village & P.O. Khera Dona, District Kapurthala, a contesting candidate for the mid-term general election held in February, 1969 to the Punjab Legislative Assembly from Sultanpur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jasjit Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/48/69(1).]

By Order,

K. S. RAJAGOPALAN, Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 8 अगस्त, 1969

एस० ओ० 3399.—लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13-क की उपधारा (1) के तथा जम्मू-कश्मीर लोक प्रतिनिधित्व अधिनियम, 1957 की धारा 7-क की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग, जम्मू-कश्मीर सरकार के परामर्श से, श्री एस० ए० एस० कादिरि के स्थान पर विधान परिषद् के सचिव, हकीम साद-उद-दीन को 1 अगस्त, 1969 से, अगले आदेशों तक जम्मू-कश्मीर राज्य के लिए मुख्य निर्वाचन आफिसर के रूप में एतद्वारा नामनिर्देशित करता है ।

[सं० 154/15/69.]

आदेश

नई दिल्ली, 7 अगस्त, 1969

एस० ओ० 3400:—यतः निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1967 में हुए आन्ध्र प्रदेश विधान सभा के लिए निर्वाचन के लिए इलूरु निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोडे जोन डेविड, बन्गायागुडेम, इलूरु, पश्चिमी गोदावरी जिला (आन्ध्र प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिये जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोडे जोन डेविड को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० आ०प्र०-वि०स०/70/67]

नई दिल्ली, 13 अगस्त 1969

एस० ओ० 3401 :—यतः निर्वाचन आयोग का समाधान हो गया है कि फरवरी, में हुए पंजाब विधान सभा के लिए मध्यावधि साधारण निर्वाचन के लिए सुलतानपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जसजीत सिंह, ग्राम व पोस्ट खड़ा डोना, जिला कपूरथला, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जसजीत सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० पंजाब-वि० स०/48/69 (1)]

आदेश से,

के० एस० राजगोपालन, सचिव।

ORDERS

New Delhi, the 25th July 1969

S.O. 3402.—Whereas the Election Commission is satisfied that Shri Anup Lal Sah R/O Village Jaganchak, tola Raghapur, P.O. Gangapur, District Bhagalpur (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 163-Sultanganj Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Anup Lal Sah to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. BR-LA/163/69(I).]

S.O. 3403.—Whereas the Election Commission is satisfied that Shri Vimal Prasad Deo, R/O Village and P.O. Ullao, District Monghyr (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 185-Balla Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Vimal Prasad Deo to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. BR-LA/185/69(3).]

S.O. 3404.—Whereas the Election Commission is satisfied that Shri Sone Lal Paswan R/O Village Nanku Mandal tola, P.O. Rahimpur District Monghyr (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 185-Balla Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sone Lal Paswan to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order

[No. BR-LA/185/69/(4).]

New Delhi, the 11th August 1969

S.O. 3405.—Whereas the Election Commission is satisfied that Shri Oinam Loton alias Roton, Leimaokpam (Manipur), a contesting candidate for election to the Legislative Assembly, Manipur from Nambol constituency, has failed to lodge his account of election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Oinam Loton alias Roton to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MR-LA/13/67.]

By Order,

A. N. SEN, Secy.

आदेश

नई दिल्ली 25 जुलाई, 1969

एस० नो० 3406—अतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 163 सुलतानगंज निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अनूपलाल साह निवासी ग्राम जगन चक, टोला राधोपुर, पो० गंगापुर, जिला भागलपुर लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिये जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अनूप लाल साह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[संख्या बिहार-वि०स०/163/69(1)].

एस० नो० 3407—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 185-बलिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री विमल प्रसाद देव, निवासी, ग्राम एवं पो०—उलाव, जिला—मुंगेर (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री विमल प्रसाद देव को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि०स०/185/69(3)]

एस० ओ० 3408—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 185-बलिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सोनेलाल पासवान, निवासी ग्राम-नन्कु मण्डल टोला, पो० रहीमपुर जिला मुंगेर, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल हैं;

और यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री सोने लाल पासवान को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि०स० 185/69(4).]

नई दिल्ली, 11 अगस्त, 1969

एस०ओ० 3409.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मनीपुर विधान सभा के लिए निर्वाचन के लिए नामबोल निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ओइनाम लोटन उर्फ रोटन, लेइमापोकपाम (मनीपुर) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

2. और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री ओइनाम लोटन उर्फ रोटन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० मनी०-वि०स०/13/67]

आवेश से,

ए० एन० सेन,

सचिव, भारत निर्वाचन आयोग ।

MINISTRY OF HOME AFFAIRS

New Delhi, the 14th August 1969

S.O. 3410.—In exercise of the powers conferred by sub-section (I) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints the officers of the Delhi Special Police Establishment mentioned in column (3) of the table below who are attached to the branch offices specified in column (2) thereof as Public Prosecutors under that sub-section to conduct cases of the Special Police Establishment before the Courts of Magistrates, Special Judges and Sessions Judges in the areas specified against each of them in column (4) of the said Table.

TABLE

S. No.	Name of Branch Office	Designation of Officers	Territorial jurisdiction
1	2	3	4
1	Counterfeit and Narcotics Division.	Senior Public Prosecutor and Public Prosecutor.	Throughout India.
2	Special Investigating Unit	Do.	Throughout India.

[No. 225/49/69-AVD.II.]

New Delhi, the 20th August 1969

S.O. 3411.—In exercise of the powers conferred under sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri V. P. Raman, Advocate, Madras, as a Public Prosecutor to conduct before the High Court of Judicature at Madras Criminal Appeal Nos. 506, 507, 508, 510 and 511/1968, arising out of the Special Police Establishment Case R.C. No. 20/63, Madras, against Major Asthana and others.

[No. 225/28/69-AVD.II.]

R. C. JOSHI, Under Secy.

गृह मंत्रालय

नई दिल्ली, 14 अगस्त, 1969

एस० प्रो० 3412.—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5 वां) की धारा 492 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नांकित सारणी के खाना (3) में उल्लिखित दिल्ली विशेष पुलिस संस्थान के अधिकारियों को, जो उसके खाना (2) में निर्दिष्ट शाखा कार्यालयों से सम्बद्ध हैं, उस उप-धारा के अन्तर्गत उक्त सारणी के खाना (4) में प्रत्येक के सामने निविष्ट क्षेत्रों में मजिस्ट्रेटों, विशेष न्यायाधीशों तथा सत्र न्यायाधीशों के न्यायालयों में विशेष पुलिस संस्थान के मुकदमों का संचालन करने के लिए लोक अभियोजकों के पद पर एतद्वारा नियुक्त करती है।

सारणी

क्रम संख्या	शाखा कार्यालय का नाम	अधिकारियों का पदनाम	क्षेत्रीय अधिकारिता
1	2	3	4
1	कूट तथा स्वापक प्रभाग	वरिष्ठ लोक अभियोजक तथा लोक अभियोजक	सम्पूर्ण भारत
2	विशेष अन्वेषण एकक	वरिष्ठ लोक अभियोजक तथा लोक अभियोजक	सम्पूर्ण भारत

[सं० 225/49/69/-प्र०स०प्र०-2]

नई दिल्ली, 20 अगस्त, 1969

एस० नो० 3413.—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, मद्रास के वकील श्री बी० पी० रमन को, मेजर अस्थाना और अन्य के विरुद्ध विशेष पुलिस संस्थान के अभियोग आर० सी० संख्या 20/63, मद्रास, से उत्पन्न अपराधिक अपील संख्या 506, 507, 508, 510 और 511/1968 के मद्रास उच्च न्यायालय में संचालन के लिए लोक अभियोजक, नियुक्त करती है ।

[स० 225/28/69-प्र० स० प्र०-II]

रमेश चन्द्र जोशी,

अवर सचिव ।

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 18th August 1969

S.O. 3414.—Statement of the Affairs of the Reserve Bank of India as on the 8th August, 1969.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	31,89,31,000
		Rupee Coin	3,72,000
Reserve Fund	150,00,00,000	Small Coin	4,46,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Bills Purchased and Discounted:	
		(a) Internal
		(b) External
		(c) Government Treasury Bills	179,72,62,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	172,40,09,000
		Investments**	194,25,61,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Loans and Advances to:—	
		(i) Central Government
		(ii) State Governments @	23,47,20,000

LIABILITIES	Rs.	ASSETS	Rs.
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	98,87,55,000
(i) Central Government	50,50,58,000	(ii) State Co-operative Banks††	214,63,88,000
(ii) State Governments	16,29,05,000	(iii) Others	1,83,78,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
(i) Scheduled Commercial* Banks	179,55,78,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	9,50,93,000	(i) State Governments	31,47,08,000
(iii) Non-Scheduled State Co-operative Banks	61,40,000	(ii) State Co-operative Banks	16,30,32,000
(iv) Other Banks	20,73,000	(iii) Central Land Mortgage Banks	..
(c) Others	286,61,55,000	(b) Investment in Central Land Mortgage Bank Debentures	8,96,93,000
Bills Payable	27,13,01,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund:—	
Other Liabilities	28,72,30,000	Loans and Advances to State Co-operative Banks .	5,24,19,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank	..
		Other Assets	33,71,88,000
	Rupees 1019,15,33,000		Rupees 1019,15,33,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs 50,05,00,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund

Dated the 18th day of August, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of August, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . .	31,89,31,000		Gold Coin and Bullion:—		
Notes in circulation . . .	<u>3593,07,57,000</u>		(a) Held in India . . .	182,53,11,000	
Total Notes issued . . .		3624,96,88,000	(b) Held outside India	
			Foreign Securities . . .	<u>200,88,70,000</u>	
			TOTAL . . .		383,41,81,000
			Rupee Coin . . .		68,79,39,000
			Government of India Rupee Securities . . .		3172,75,68,000
			Internal Bills of Exchange and other commercial paper
Total Liabilities . . .		<u>3624,96,88,000</u>	Total Assets . . .		<u>3624,96,88,000</u>

Dated the 18th day of August, 1969.

(sd.) L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 20th August 1969

S.O. 3415.—Statement of the Affairs of the Reserve Bank of India, as on the 15th August, 1969

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . .	5,00,00,000	Notes	31,92,28,000
		Rupee Coin	3,60,000
Reserve Fund	150,00,00,000	Small Coin	4,62,000
National Agricultural Credit (Long Term Operations) Fund . . .	155,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	
		(b) External	
		(c) Government Treasury Bills	185,19,90,000
National Agricultural Credit (Stabilisation) Fund . . .	35,00,00,000	Balances Held Abroad*	173,40,98,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Investments**	212,17,09,000
		Loans and Advances to :—	
		(i) Central Government	
		(#) State Governments@	37,77,09,000
Deposits—		Loans and Advances to :—	
		(i) Scheduled Commercial Banks†	81,59,55,000
(a) Government—		(#) State Co-operative Banks††	218,98,77,000
(i) Central Government	57,83,71,000	(##) Others	1,82,28,000

		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(f) State Governments	14,46,19,000	(a) Loans and Advances to :—	
		(i) State Governments	31,47,08,000
		(ii) State Co-operative Banks	16,26,33,000
		(iii) Central Land Mortgage Banks	—
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	8,96,93,000
(f) Scheduled Commercial Banks	184,74,78,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	8,63,70,000	Loans and Advances to State Co-operative Banks	5,59,25,000
(iii) Non-Scheduled State Co-operative Banks	60,40,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(iv) Other Banks	21,09,000	(a) Loans and Advances to the Development Bank	6,26,71,000
(c) Others	302,96,39,000	(b) Investment in bonds/debentures issued by the Development Bank	—
Bills payable	26,95,50,000	Other Assets	33,09,57,000
Other Liabilities	28,20,27,000		
Rupees	1044,62,03,000	Rupees	1044,62,03,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 21,70,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

ated the 20th () of August 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 15th day of August, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	31,92,28,000		Gold Coin and Bullion :—		
Notes in Circulation	<u>3569,14,07,000</u>		(a) Held in India	182,53,11,000	
Total Notes issued		3601,06,35,000	(b) Held outside India	..	
			Foreign Securities	<u>200,88,70,000</u>	
			TOTAL		383,41,81,000
			Rupee Coin		69,88,59,000
			Government of India Rupee Securities		<u>3147,75,95,000</u>
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		<u>3601,06,35,000</u>	TOTAL ASSETS		<u>3601,06,35,000</u>

Dated the 20th day of August, 1969.

(sd.) L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

K. YESURATNAM, Under Secy.

(Collectorate of Central Excise Calcutta and Orissa)

CENTRAL EXCISES

Calcutta, the 11th August 1969

S.O. 3416.—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944 I hereby revoke the collectorate Notification No. 5/67 dated 18th August, 1967.

[No. 5/CE/69.]

N. MOOKHERJEE, Collector.

OFFICE OF THE COMMISSIONER OF INCOME TAX, PUNJAB, HARYANA, JAMMU & KASHMIR, HIMACHAL PRADESH AND CHANDIGARH, PATIALA

INCOME-TAX

Patiala, the 22nd July 1969

S.O. 3417.—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and other particulars relating to assesseees on whom penalty of not less than Rs. 5,000 was imposed during the financial years 1966-67 and onwards;

And whereas in exercise of the powers conferred by section 287 of the Income tax Act (43 of 1961) and all other powers enabling them in this behalf the Central Government has by its order dated 25th March, 1969 authorised all Commissioners of Income-tax to publish the names, addresses, status, assessment year and details of the penalties levied which would include the amounts and nature of penalties relating to assesseees, within their jurisdiction and on whom a penalty of not less than Rs. 5,000 was imposed during the financial year 1966-67 and subsequent years;

Now therefore in exercise of the powers conferred on me by the Central Government by its aforesaid order dated 25th March, 1969, I hereby publish in Schedules I to V hereto annexed the names and other particulars of the assesseees aforesaid.

SCHEDULE I

Assesseees on whom a penalty of not less than Rs. 5,000/ was imposed for concealment of income during the period commencing with 1st April 1966 and ending with 31st March, 1968 where no appeal was presented to the Tribunal within the time allowed therefor or where the appeal presented has been disposed of during the financial year.

S. No.	Name & address of the assessee	Status	Amount of penalty	Assessment year in relation to which the default occurred
1	2	3	4	5

FINANCIAL YEAR 1966-67

1	M/s Birdi Engineering Works, Ludhiana	Registered Firm	6,258	1965-66
2	M/s D. D. Harisaran Liladhar, Misri Bazar, Amritsar.	Registered Firm	34,000	1958-59
3	Shri Gulzar Singh Jat, Vill, Chahhal, Teh, Taran Taran, (Amritsar).	Individual	5,000	1958-59
4	M/s Mohan General Stores, Arya Samaj, Chowk, Patiala.	Registered Firm	12,200	1962-63

I	2	3	4	5
5	M/s M. T. Metal and Wood Works, Putlighar, Amritsar.	Registered Firm	5,000	1961-62
6	M/s Sant Ram & Sons, Industrial Area, Ludhiana	Registered Firm	48,510	1960-61

FINANCIAL YEAR 1967-68

1	M/s Bhoday Electric & Engineering Co., Ludhiana	Registered Firm	9,685	1963-64
2	D. A. V. Hosiery Factory, Chowk Misran, Ludhiana	Unregistered Firm	30,418	1960-61
3	M/s Gupta Steel Rolling Mills, Mandi Gobindgarh.	Registered Firm	10,072	1961-62
4	M/s Krishan Lal Kesar Das, Cattle Dealers, Rohtak.	Registered Firm	6,085	1963-64
5	M/s Lachhman Das Hoshneq Rai, Cattle Dealers, Rohtak.	Registered Firm	5,302	1964-65
6	Ludhiana Steel Rolling Mills, Ludhiana.	Registered Firm	6,950	1961-62
7	M/s Phool Chand Darshan Lal, Jagadhri.	Registered Firm	5,000	1958-59
8	—do—	Registered Firm	6,000	1959-60
9	M/s Sant Ram & Sons, Industrial Area, Ludhiana.	Registered Firm	5,670	1961-62
10	Shri S. K. Dhar P/o M/s J. K. Forest Co., Srinagar.	Individual	5,063	1963-64

SCHEDULE II

Assessee on whom a penalty of not less than Rs. 5,000/- was imposed for failure to file return of income or to produce books of accounts during the period commencing with 1st April 1966 and ending with 31st March, 1968 where no appeal was presented to the Tribunal with the time allowed therefor or where the appeal presented has been disposed of during the financial year.

S. No.	Name & Address of the assessee	Status	Amount of penalty.	Assessment year in relation to which the default occurred.
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I	2	3	4	5
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FINANCIAL YEAR 1966-67

1	Shri Chaman Lal, Prop. Chaman Textile Mills, Amritsar	Individual	5,558	1960-61
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FINANCIAL YEAR 1967-68

1	Shri Abdul Gani Khan, C/o M/s Chand Forest Co., Srinagar	Individual	6,860	1961-62
2	Banwari Lal Balwant Rai, Wine Contractors, Sirsa	U.R.F.	8,267	1962-63

1	2	3	4	5
3	D. A. V. Hosiery Factory, Chowk Misran, Ludhiana	U.R.F.	12,708	1960-61
4	M/s Gulam Resul Mohd, Abdul, Zaindar Mohalla, Srinagar	Registered Firm	12,814	1963-64
5	M/s Kashmir Forest Co., Srinagar	Registered Firm	6,528	1964-65
6	Shri N.S. Jahal, Jullundur	Individual	1,02,261	1961-62
7	—do—	Individual	20,452	1961-62
8	—do—	Individual	13,500	1963-64
9	M/s Mohi. Rajab & Co. Srinagar	Registered Firm	5,045	1966-67
10	M/s Pine Timbers, Srinagar.	Registered Firm.	8,285	1964-65
11	M/s Subhana the Werst, Srinagar	Registered Firm.	5,904	1963-64

SCHEDULE III

Assessee on whom a penalty of not less than Rs. 5,000/- was imposed for non-payment of tax during the period commencing with 1st April, 1967 and ending with 31st March, 1968 where no appeal was presented to the Tribunal within the time allowed therefor or where the appeal presented has been disposed of during the Financial Year 1967-68.

S. No.	Name & Address of the assessee	Status	Amount of penalty.	Assessment year in relation to which default occurred.
1	2	3	4	5
FINANCIAL YEAR 1967-68				
1	The Panipat Woollen & General Mills, Kharar	Limited Company.	8,000	1964-65

SCHEDULE IV

Assessee on whom a penalty of not less than Rs. 5,000/- was imposed for not filing of estimate of advance-tax during the period commencing with 1st April, 1967 to 31st March 1968 where no appeal was presented to the Tribunal within the time allowed therefor or where the appeal presented has been disposed of during the financial year.

S. No.	Name & Address of the assessee	Status	Amount of penalty.	Assessment year in relation to which default occurred
1	2	3	4	5
FINANCIAL YEAR 1967-68.				
1	Shri M. S. Johal, Jullundur.	Individual	15,339	1961-62

SCHEDULE V

Assessee on whom a penalty of not less than Rs. 5,000/- was imposed during the Financial Years 1963-64 and 1964-65 whose names and other particulars were published with the notifications of the Govt. of India in the Ministry of Finance (Deptt. of Revenue) No. 58/20/65-IT (Inv.) dated 20-1-1968, No. 58/85/67-IT (Inv.) dated 22-1-1968 and No. 58/90/67-IT (Inv.) dated 22-1-1968 and in whose cases the Income-tax Appellate Tribunal has subsequently reduced or cancelled the penalty so imposed.

Sl. No.	Name and address of the assessee	Status	Amount of penalty	Amount of penalty reduced to	Assessment year	Sl. No. of Notification	Notification No. dated
1	2	3	4	5	6	7	8
FINANCIAL YEAR 1967-68							
1.	Shri Mothu Ram, c/o Mothu Ram Prem Chand, Ludhiana.	Indl.	5,000	3,000	1961-62	8	Schedule IV Notification No. 58/20/65-IT (Inv.) dated 20-1-1968.
2.	Do.	Indl.	5,000	4,000	1962-63	6	Schedule IV Notification No. 58/85/67-IT (Inv.) dated 22-1-1968.
3.	M/s. Khem Chand Vijay Kumar, Jullundur.	R.F.	24,366	Nil	1958-59	38	Schedule III Notification No. 58/90/67-IT (Inv.) dated 22-1-1968.
4.	M/s. Sant Singh & Co., College Road, Pathankot.	R.F.	10,040	Nil	1961-62	39	Do.

[No. F. AST/Pub./4/68-69.]

S.O. 3418.—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and other particulars relating to assesseees:

- (i) being Individuals or Hindu Undivided Families, who have been assessed on an income of more than one lakh of rupees;
- (ii) being Firms, Association of Persons or Companies, who have been assessed on an income of more than ten lakhs of rupees;

during the financial year commencing from 1967-68 and onwards;

And whereas in exercise of the powers conferred by section 287 of the Income-tax Act (43 of 1961) and all other powers enabling them in this behalf the Central Government has by its order, dated 25th March, 1969, authorised all Commissioners of Income-tax to publish the names, addresses, status, assessment year relating to assesseees within their jurisdiction during the financial year 1967-68 and subsequent years;

Now therefore in exercise of the powers conferred on me by the Central Government by its aforesaid order dated 25th March, 1969, I hereby publish in Schedules I and II hereto annexed the names and other particulars of the assesseees aforesaid.

SCHEDULE I

Names of Adl Individuals and H.U.Fs. Assessed on income of over Rupees onelakh in the financial year 1967-68

Sl. No.	Name & address of the assessee	Status	Assessment year	Income assessed under Income-tax Act, 1961.
1	2	3	4	5
	S/Shri			
1	Shri Amrit Lal c/o H. L. Anand & Sons, Kapurthala.	Indl.	1965-66	144421
2	Shri Amar Nath c/o M/s. Baba Ram Kharaiti Ram, Bazar Ghantaghar, Amritsar.	Indl.	1963-64	155277
3	Avtar Singh c/o M/s. Darbara Singh & Sons, Delhi	Indl.	1967-68	182712
4	Bawa Ram c/o M/s. Bawa Ram Kharaiti Ram, Amritsar.	Indl.	1963-64	157446
5	Behari Lal c/o M/s. Dhanu Ram Behari Lal, Ambala City.	Indl.	1963-64	116610
6	Banwari Lal Loona Mukatsar, Mukatsar.	HUF	1963-64	101650
7	B. M. Lal c/o Hero Cycle Industries, Ludhiana.	Indl.	1965-66	167695
8	Do.	Indl.	1966-67	273270
9	Do.	Indl.	1967-68	165590
10	R. B. Badri Dass, Jullundur.	Indl.	1967-68	125787
11	Chiman Lal c/o H.L. Anand & Sons, Kapurthala.	Indl.	1965-66	142538
12	Chanan Lal c/o M/s. Balkmukand Chananlal, Batala.	Indl.	1965-66	110870
13	Charanjit Lal c/o Khetu Ram Bisamber Dass, Giddarwaha.	Indl.	1963-64	109523
14	Mr. Conspinadise, c/o O.C.M.(P) Ltd., Amritsar	Indl.	1967-68	101782
15	Dev Mittar, Prop. M/s. Emded Engineers, Fatehgarh, Churian Road, Amritsar.	Indl.	1967-68	185228
16	Daya Nand, c/o Hero Cycle Industries, Ludhiana.	Indl.	1965-66	163382
17	Dayal Chand c/o Kishore Chand Ramji Dass, Ludhiana.	Indl.	1963-64	276219
18	Daya Nand c/o Hero Cycle Industries, Ludhiana.	Indl.	1966-67	271320
19	Do.	Indl.	1967-68	161650
20	Des Raj c/o Sunlight Foundry, Batala.	Indl.	1966-67	114600
21	Dharam Pal c/o M/s. Balmukand Chanan Lal, Batala.	Indl.	1965-66	102860
22	Goverdhan Dass, P.A. Jullundur.	Indl.	1963-64	158612
23	Bawa Gurbax Singh c/o Bombay Trading Co., Kapurthala.	Indl.	1967-68	375205
24	Harbans Lal c/o Madan Roller Flour Mill, Jallundur.	Indl.	1967-68	106940
25	H. R. Modi c/o Flour Mills (P) Ltd., Patiala	Indl.	1967-68	104570
26	Hans Raj & Sons, c/o Hans Raj Pahwa & Bros. Ludhiana.	HUF	1967-68	102780
27	Maj. Harinder Singh Raja Sansi, Amritsar.	Indl.	1962-63	101171
28	Do.	Indl.	66-67	114883
29	Do.	Indl.	1967-68	126249
30	Jia Lal Mehra c/o M/s. Maharaj Mal Hansraj, Bazar Ghantaghar, Amritsar.	HUF.	1963-64	137880
31	Jai Lal Puri c/o M/s. India Chemical Industries, Jail Road, Amritsar.	Indl.	1963-64	236850
32	Jagat Singh s/o Shri Makhan Singh, Chowk Manna Singh, Amritsar.	Indl.	1963-64	147950
33	Jai Singh Prop. M/s. Jai Singh Kulbir Singh Bagh Jhanda Singh, Amritsar.	Indl.	1963-64	159675

I	2	3	4	5
34	Jagat Singh & Sons, c/o Hans Raj Pahwa & Bros., Ludhiana.	HUF.	1967-68	103700
35	Jatinder Lal as Karta of Sh. Bishan Lal Kuthiala (HUF), Simla.	HUF.	1963-64	107690
36	Do.	HUF.	1947-48	106150
37	Bawa Jaswant Singh, c/o Bombay Motor Trading Co., Kapurthala.	Indl.	1967-68	376940
38	J. M. Bipon Lal Kuthiala, Pathankot.	HUF	1963-64	173652
39	Jai Ram c/o Jai Ram & Sons, Pathankot.	Indl.	1963-64	108670
40	Jagan Nath c/o Jai Ram & Sons, Pathankot.	Indl.	1963-64	103730
41	Joginder Lal Mehra, Prop. Joginder Textile Mill, Canal Road, Jammu.	Indl.	1963-64	121100
42	Joginder Lal Kuthiala, Hoshiarpur.	Indl.	1963-64	105580
43	Kidar Nath c/o M/s. Balmukand Chananlal, Batala.	Indl.	1965-66	104840
44	K. R. Sarinc, Prop. Royai Foundry, Railway Road, Batala.	Indl.	1963-64	169830
45	Do.	HUF.	1963-64	166530
46	Kasturi Lal Aggarwal, Pathankot.	Indl.	1962-63	116070
47	M/s. Kalu Bros., Srinagar.	HUF.	1963-64	117960
48	K. L. Gupta., Moga.	Indl.	1967-68	119304
49	Kishore Chand c/o Kishore Chand Ramji Das, Ludhiana.	Indl.	1963-64	276394
50	Kharaiti Ram c/o M/s. Bawa Ram Kharaiti Ram, Bazar Ghanta Ghar, Amritsar.	Indl.	1963-64	159306
51	Kripal Singh c/o M/s. Darbara Singh & Sons, Delhi.	Indl.	1967-68	191933
52	Lalit Kumar c/o Maharaj Mal Hans Raj, Bazar Ghantaghar, Amritsar.	HUF.	1963-64	179080
53	M/s. Lila Dhar Jajoo & Sons, The Mall, Amritsar.	HUF.	1967-68	162938
54	Madan Lal c/o Amritsar Transport Co., (P) Ltd., Ghee Mandi, Amritsar.	Indl.	1965-66	100451
55	Moti Ram Prop. Moti Lal Madan Lal, Katra. Ahluwalia, Amritsar.	Indl.	1947-48	508769
56	Madan Lal c/o Lal Woollen & Silk Mill, Putlighar, Amritsar.	HUF.	1966-67	100920
57	Madan Chand c/o M/s. G.M. Worsted Spinning Mills, Amritsar.	Indl.	1963-64	107530
58	Mahant Shreyo Nath Yogi, Ashtal Bohar, Distt. Rohtak.	Indl.	1963-64	1177165
59	Mangat Ram c/o H. L. Anand & Sons, Kapurthala.	Indl.	1965-66	144804
60	M. S. Johal, Jullundur.	Indl.	1963-64	173705
61	Shri Mangat Ram Kuthiala, Hoshiarpur.	HUF.	1963-64	194550
62	Narinder Kumar, c/o H. L. Anand & Sons, Kapurthala.	Indl.	1965-66	144840
63	Shri Om Parkash c/o Salig Ram Prem Nath, Ludhiana.	Indl.	1963-64	150594
64	Shri Om Parkash c/o Hero Cycle Industries, Ludhiana.	Indl.	1965-66	165204
65	Do.	Indl.	1966-67	273320
66	Do.	Indl.	1967-68	165870
67	Shri O. P. Abhi, Prop. Abhi Textile Mills, Jail Road, Amritsar.	Indl.	1957-58.	100498
68	Promila Nayyar, c/o M/s. India Calico Printing Mills, Chheharta.	Indl.	1966-67	151062
69	Prem Nath c/o Salig Ram Prem Nath, Ludhiana.	Indl.	1963-64	157858
70	Panna Lal c/o Khetu Ram Bishamber Dass, Giddarbaha.	HUF.	1963-64	115491
71	P. P. Kapur c/o N. D. Radha Krishan & Co., Pathankot.	Indl.	1964-65	124922
72	R. N. Sehgal c/o Saroj Pictures Jullundur.	Indl.	1967-68	105903
73	Ravinder Lal Kuthiala, Hoshiarpur.	Indl.	1963-64	105270
74	Roshan Lal c/o Kishore Chand Ramji Dass, Ludhiana.	Indl.	1963-64	276219

1	2	3	4	5
	S/Shri			
75	Ramji Dass c/o Kishore Chand Ramji Dass, Ludhiana.	Indl.	1963-64	2762 19
76	M/s. Rameshwar Dass Rattan Lal Prop. Khilli Ram, Rewari.	Indl.	1963-64	419633
77	M/s. Refrigeration Food & Allied Ind. Prop. S. P. Chopra, Gurgaon.	Indl.	1963-64	115000
78	R. A. Boghi, Hide Market, Amritsar.	Indl.	1963-64	206620
79	Do.	Indl.	1964-65	158809
80	Ram Chand c/o M/s. Daulat Ram Ram Chand Katra Ahluwalian, Amritsar.	HUF.	1963-64	148224
81	Roop Rani c/o M/s. Maharaj Mal Hansraj, Bazar Ghantaghar, Amritsar.	Indl.	1963-64	107644
82	S. P. Virmani c/o M/s. Jawala Flour Mills, Amritsar.	HUF.	1963-64	424838
83	Do.	HUF.	1964-65	270900
84	Do.	HUF.	1965-66	443995
85	Do.	HUF.	1966-67	648247
86	Sain Dass, Alias Bijli Pehlwan, Amritsar. (Legal heir Sh. Krishan Mohan).	Indl.	1963-64	202077
87	Do.	Indl.	1964-65	182632
88	Sampuran Singh c/o M/s. Amritsar Sugar Mills Co. Ltd., Amritsar.	Indl.	1967-68	111816
89	Santosh Kumari, 6-Taylor Road, Amritsar.	Indl.	1962-63	100756
90	Sadhu Singh c/o M/s. Auto Piston Mfg. Co., Batala Road, Amritsar.	HUF.	1967-68	157576
91	Shanti Parkash Arora c/o International Traders Bagh Jhanda Singh, Amritsar.	HUF.	1963-64	137056
92	Salig Ram c/o Salig Ram Prem Nath Ludhiana.	Indl.	1963-64	147778
93	Sohan Lal & Sons c/o Hans Raj Pahwa & Bros., Ludhiana.	HUF.	1967-68	102
94	Satya Nand c/o Hero Cycle Industries, Ludhiana.	Indl.	1967-68	18 210
95	Do.	Indl.	1966-67	251990
96	Do.	Indl.	1965-66	147218
97	Bawa Surinder Singh c/o M/s. Bombay Motor Trading Corp., Kapurthala.	Indl.	1967-68	377480
98	Tirath Ram Amla P/o M/s. Tirath Ram and Bros., Hotel Road, Srinagar.	Indl.	1963-64	122410
99	Do.	Indl.	1965-66	137299
100	Vas Dev c/o M/s. Daulat Ram Ram Chand, Katra Ahluwalian, Amritsar.	HUF.	1963-64	124907

SCHEDULE II

Names of all Firms, Associations of Persons and Companies Assessed on income of over rupees ten lakhs in the financial year 1967-68.

Sl. No.	Name & Address of the Assessee.	Status.	Assessment year.	Income-assessed under Income-tax Act, 1961.
1	2	3	4	5
1	M/s. Bombay Motor Trading Co., Kapurthala.	Registered Firm	1967-68	1095862
2	M/s. Batala Engineering Co. Pvt., Ltd., Batala.	Public Ltd., Co.	1965-66	1047810
3	G. S. Beckert Saboo Ltd., Chandigarh.	Limited Company	1965-66	1077359
4	Hinodustan Milk Food Mfs. Ltd., Nabha.	Limited Company	1966-67	7586167

1	2	3	4	5
	S/Shri.			
5	Hindustan Wire Products Ltd., Patiala.	Limited Company 1965-66		1851476
6	Hindustan Milk Food Mfgs. Ltd., Nabha.	Limited Company 1967-68		9279475
7	M/s. Kishore Chand Ramji Dass, Shivala Road, Ludhiana.	Registered Firm 1963-64		1246200
8	Mohan Meaken Breweries Limited Solan.	Limited Company 1965-66		18829633
		1966-67		18213610
		1967-68		21425539
9	Mandi Kulu Road Transprt Corporation Ltd. Mandi.	Limited Company 1966-67		1025538
10	M/s. Oriental Carpet Mfrs. (India) Pvt. Ltd. Chheharta (Amritsar).	Pvt. Limited. 1966-67		2725660
		Company. 1965-66		1206093
11	M/s. Patiala Biscuit Mfrg. Co., Ltd., Rajpura	Pvt. Limited. 1966-67		1669832
		Company.		
12	M/s. Pepsu Road Transport Corpn., Patiala.	Company. 1964-65		1834007
13	M/s. Pure Drinks (Bombay) P. Ltd., Patiala.	Ltd., Company 1967-68		5246030
14	M/s. Punjab State Small Industries Corporation, Chandigarh.	Limited Company 1967-68		1103448
15	M/s. Pure Drinks (Calcutta) P. Ltd., Patiala.	Limited Company 1967-68		2352167
16	Pure Drinks (N. Delhi) P. Ltd., Patiala.	Limited Company 1967-68		6112540
17	M/s. Rattan Chand Harjas Rai (Plastic) (P) Ltd., Amritsar.	Private Ltd. Co. 1964-65		1374440
18	M/s. Sukhjit Starch and Chemical Ltd., Phagwara	Public Ltd. 1967-68		2144980
		Company.		
19	M/s. Straw Board Manufacturing Company Ltd, Hoshiarpur.	Public Limited 1963-64		1471855
		Company.		

[No. F. AST/Pub./4-1548-69.]

S. R. MEHTA.

Commissioner of Income Tax, Patiala.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

New Delhi, the 15th August 1969

S.O. 3419.—On the expiry of his deputation to the Rubber Board, Kottayam, Kerala, Shri P. S. Habeeb Mohamed, I.A.S., relinquished charge of the post of Chairman, Rubber Board, on the afternoon of the 14th July, 1969.

2. With effect from the same date, the services of Shri P. S. Habeeb Mohamed have been placed at the disposal of Government of Orissa.

[No. F. 21(10)Plant(B)/64.]

M. L. GUPTA, Under Secy.

(Office of the Joint Chief Controller of Imports & Exports)

(Central Licensing Area)

CANCELLATION ORDER

New Delhi, the 3rd July 1969

S.O. 3420.—M/s. Paul Optical Works, Rai, Distt. Rohtak were granted Import Licence No. P/U/1315072, dated 31st March 1969 for Rs. 1,43,520. They have applied for duplicate copies (Customs Purposes and Exchange Control Purposes) of the licence on the ground that the original Customs Purposes & Exchange Purposes copies thereof have been lost or misplaced without having been registered with any customs authorities and without having been utilised at all.

In support of this contention, the applicant has filed an affidavit. I am satisfied that the original Licence No. P/U/1315072, dated 31st March 1969 (both Customs Purposes and Exchange Control Purposes) has been misplaced/lost and direct that duplicate licence (Customs Purposes and Exchange Control Purposes copies) should be issued to the applicant. The original licence (both Customs Purposes & Exchange Control Purposes copies) are cancelled.

[No. Handl. 35/OD.68/SC.III/CLA.]

ORDER

New Delhi, the 6th August 1969

S.O. 3421.—Licence No. P/SS/1613090/C dated 11th March, 1969 for Rs. 2500.00 for the import of Rough Blanks was issued to M/s. Precision Optical Works, Outer Circular Road, New Colony, Gurgaon subject to the condition:

"This licence is issued subject to the condition that all items of goods imported under it shall be used only in the licence holder's factory at the address shown in the application against which the licence is issued, or may be processed in the factory of another manufacturing unit, but no portion thereof shall be sold to any other party or utilized or permitted to be used in any other manner. The goods so processed in another factory shall, however, be utilized in the manufacturing processes undertaken by the licence. The licensee shall maintain a proper account of consumption and utilisation of the goods imported against the licence."

2. Thereafter, a show cause notice No. P-6/69/ENF/CLA/2527 dated the 24th June, 1969 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it was issued in terms of Clause 9, sub-clause (cc) of Imports (Control) Order, 1955, as amended.

3. The said show cause notice sent to them has been received back undelivered with the remarks of the Postal authorities "No such firm".

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955, as amended hereby cancel the licence No. P/SS/1613090/C dated 11th March, 1969 for Rs. 2500/- issued in favour of M/s. Precision Optical Works, Outer Circular Road, New Colony, Gurgaon.

[No. P-6/69/ENF/CLA/4248]

RAM MURTI SHARMA,

Jt. Chief Controller of Imports and Exports.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Community Development)

New Delhi, the 14th August 1969

S.O. 3422.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby extends upto 28th February, 1970, the period within which the Commission of Inquiry to look into the affairs and accounts of Bharat Sevak Samaj, appointed by the Government of India in the Department of Community Development vide Notification No. 9(2)68-LKK dated 21st February, 1969, shall make its report to the Central Government.

[No. F. 9(2)/68-LKK.]

B. R. PATEL, Secy.

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

(सामुदायिक विकास विभाग)

नई दिल्ली, 14 अगस्त, 1969

एस०ओ० 3423.—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस कालावधि को जिसके भीतर भारत सेवक समाज के मामलों और लेखाओं की जांच करने के लिये भारत सरकार के सामुदायिक विकास विभाग की अधिसूचना संख्या 9(2)/68-एल०के०के० तारीख 21 फरवरी, 1969 द्वारा नियुक्त जांच आयोग अपने रिपोर्ट केन्द्रीय सरकार को देगा, 28 फरवरी, 1970 तक बढ़ाती है।

[संख्या एफ 9(2)/68-एल०के०के०]

बी० आर० पटेल सचिव,।

**MINISTRY OF HEALTH, FAMILY PLANNING, WORKS, HOUSING
AND URBAN DEVELOPMENT**

(Department of Health)

New Delhi, the 13th August 1969

S.O. 3424.—Whereas Miss J. D. Power, Nursing Superintendent, Miraj Medical Centre, Miraj, Maharashtra has been elected by the Trained Nurses Association of India, L-16, Green Park, New Delhi-16 to be a member of the Indian Nursing Council under clause (f) of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947 (48 of 1947), with effect from 27th March, 1969.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 27-57/57-MII(B), dated the 1st December, 1958, namely:—

In the said notification, under the heading, "Elected under clause (f) of sub-section (1) of section 3" for the existing entry, the following entry shall be substituted, namely:—

"Miss J. D. Power, Nursing Superintendent, Miraj Medical Centre, Miraj, Maharashtra".

[No. F. 24-32/69-MPT.]

B. S. SINGH, Dy. Secy.

(Department of Health)

ORDERS

New Delhi, the 19th August 1969

S.O. 3425.—Whereas by the notification of the Government of India in the late Ministry of Health No. 16-12/60-MI, dated the 9th January, 1961, the Central Government has directed that the Medical qualification, "M.D." granted by the Western Reserve University, Cleveland, Ohio (U.S.A.) shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And, whereas, Dr. Symon Satow who possesses the said qualification is for the time being attached to the Frances Newton Hospital, Ferozepur Cantt. for the purposes of teaching, research and charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies,—

- (i) a further period commencing from the 14th October, 1969 and ending with the 30th June, 1970, or
- (ii) the period during which Dr. Symon Satow is attached to the said Frances Newton Hospital, Ferozepur Cantonment.

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-32/69-MPT.]

S.O. 3426.—Whereas by the notification of the Government of India in the late Ministry of Health No. 16-18/60-MI, dated the 30th December, 1960, the Central Government has directed that the Medical qualification, "M.D." granted by the University of Muenster, Germany shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And, whereas, Dr. (Miss) Hueffer Adelheid possesses the said qualification is for the time being attached to the Pushpa Hospital, Chhunipali, Paikin, Raipur (Madhya Pradesh) for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies,—

- (i) a period of two years from the date of the publication of this order in the Official Gazette, or
- (ii) the period during which Dr. (Miss) Hueffer Adelheid is attached to the said Pushpa Hospital, Chhunipali, Paikin, Raipur (Madhya Pradesh)

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-28/69-MPT.]

R. MURTHI, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 13th August 1969.

S.O. 3427.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the Office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi or at the Office of the Collector, Dhenkanal (Orissa) or at the Office of the Coal Controller, 1-Council House Street, Calcutta.

All persons interested in the lands mentioned in the said Schedule shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer of the National Coal Development Corporation Ltd., Darbhanga House, Ranchi, within 30 days from the date of publication of this notification.

SCHEDULE

Drg. No. Rev/5/69

Dated 2-4-69.

(showing lands notified for prospecting).

HANDIDHUA BLOCK

Talcher Coalfield

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Hensamula	Talcher	..	Dhenkanal	..	Part.
2.	Langijoda	Talcher	..	Dhenkanal	..	Part.
3.	Dera	Talcher	..	Dhenkanal	..	Part.

Total area : 110.00 acres (approximately)
or : 44.55 Hectares (approx.)

Boundary Description :

A—B Line passes through villages Hensamula, Dera and Langijoda (which is also part common Boundary with Lease-hold area of Talcher Colliery) and meets at point 'B'.

B—C Line passes through village Langijoda and meets at point 'C'.

C—D Line passes through villages Langijoda, Dera and Hensamula and meets at point 'D'.

D—A line passes through village Hensamula (which is also part common boundary with lease hold area of Talcher Colliery) and meets at point 'A'.

[No. Cz-13(1)/69]

New Delhi, the 20th August 1969

S.O. 3428.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the Office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi or at the Office of the Collector, Nagpur (Maharashtra) or at the Office of the Coal Controller, 1-Council House Street, Calcutta.

All persons interested in the lands mentioned in the said Schedule shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer of the National Coal Development Corporation Limited, Darbhanga House, Ranchi, within 90 days from the date of publication of this notification.

SCHEDULE

KAMPTEE BLOCK—'B'—EXTENSION

Kamptee Coalfield

Drg. No. Rev/3/69

Dated 15-3-1969

(Area notified for prospecting)

Sl. No.	Village	Tahsil	Mouza No.	District	Area	Remarks
1	Isapur	Saoner	..	Nagpur		Part
2	Pipla	"	..	"	..	"
3	Ranala	"	183	"	..	"
4	Dahegaon	"	108	"	..	"
5	Eltur	"	..	"	..	"
Total Area			1408.00 Acres (approximately)			
OR:			570.24 Hectares (approximately)			
OR:			2.20 Sq. Miles			

Boundary Description :

- A-B Line passes along the part common boundary of villages Eltur and Isapur, then through villages Eltur and Pipla and meets at point 'B'.
- B-C Line passes along the part northern boundary of the Road, passes through Part of the Road in villages Eltur, Pipla and part of village Dahegaon and meets at point 'C'.
- C-D Line passes through villages Dahegaon and Ranala and meets at point 'D'.
- D-E-F Lines pass through villages Ranala, then along the part common boundary of villages Ranala Pipla, common boundary of villages Balni and Pipla, part common boundary of villages Balni and Isapur [which is also part common boundary of Kamptee Block-'B' notified u/s 7(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 *vide* S.O. No. 620 dated 19-2-1966] and meets at point 'F'.
- F-A Line passes through village Isapur and meets at starting point 'A'.

[No. F. C2-16(1)/69.]

M. S. K. RAMASWAMI, Dy. Secy.

(Department of Mines and Metals)

New Delhi, the 21st August 1969

S.O. 3429.—In exercise of the powers conferred by sub-section (1) of section 15 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), read with rule 21 of the Coal Mines (Conservation and Safety) Rules, 1954, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Steel, Mines and Metals (Department of Mines and Metals) No. S.O. 3989, dated the 28th October, 1967, relating to the reconstitution of the Advisory Committee on Stowing, namely:—

In the said notification, for items 4 and 9 and the entries relating thereto, the following shall respectively be substituted, namely:—

- "4. Shri U. H. Worah Newton Chickli Member Representative of the Indian Collieries Ltd., 135, Biplabi Rashbehari Basu Road, Calcutta. Mining Association." and
- "9. Shri M. Vasudevan, Deputy General Member Representative of the Singareni Manager Belampalli Group of Mines, The Singareni Collieries Co. Ltd., Collieries Company Limited." P. O. Kothagudium Collieries.

[No. C5-4(2)/67]

V. K. HARURAY, Under Secy.

पोत परिवहन तथा परिवहन संचालन

(परिवहन पक्ष)

नई दिल्ली, 5 जून, 1969

एस० नो० 3430 :—जयन्ती शिपिंग कंपनी (प्रबन्ध ग्रहण) अधिनियम, 1966 (1966 का 24) की धारा 8 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उन अपवादों को विनिर्दिष्ट करती है, जिनके अध्वधीन रहते हुए कंपनी अधिनियम, 1956 (1956 का 1) जयन्ती शिपिंग कंपनी लिमिटेड को लागू होगा, अर्थात् :—

धारायें 159, 161, 166, 210, धारा 219 की उपधारा (1) और धारा 220 लागू नहीं होगी ।

धारा 227 की उपधारा (2) निम्नलिखित उपान्तरणों के अध्वधीन रहते हुए लागू होगी, अर्थात् :—

(i) शब्दों “कंपनी के सदस्य” के लिये, शब्द, कोष्ठक और अंक “जयन्ती शिपिंग कंपनी” (प्रबन्ध ग्रहण) अधिनियम, 1966 के अध्वधीन नियुक्त नियंत्रण बोर्ड “प्रतिस्थापित किये जायेंगे” ।

(ii) शब्द “जो उसकी पदावधि के दौरान साधारण बैठक में कंपनी के सामने पेश किये जाते हैं” सुप्त कर दिये जायेंगे ।

2. यह अधिसूचना 10 जून, 1969 से रांच वर्ष की कालावधि तक प्रवृत्त रहेगी ।

[सं० 32-एम० डी० (7) 68]

जसवन्त सिंह,

अवर सचिव ।

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 13th August 1969

S.O. 3431.—In pursuance of the provisions of clause (a) of sub-rule (2) of rule 5 of the Central Civil Services (Temporary Services) Rules, 1965, the Central Government hereby specifies the authority mentioned in column (1) of the Table below as an authority by which the powers conferred by the said sub-rule may be exercised to the extent indicated in the corresponding entry in column (2) of the said Table.

TABLE

Name of authority	Extent of powers
(1)	(2)
Director General, Civil Aviation	In respect of orders passed under Rule 5(1) against employees in the Civil Aviation Department by any authority subordinate to him.

[No. 10-VE (2)/69.]

P. PRASAD, Under Secy.

पर्यटन तथा नागर विमानन मंत्रालय

नई दिल्ली, 2 अगस्त, 1969

एस० ओ० 3432 :— एयर कारपोरेशन अधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा प्रदान किये गये अधिकारों का प्रयोग करते हुए तथा पिछली सभी अधिसूचनाओं एवं आदेशों का अधिक्रमण करते हुए, केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि 1 अगस्त, 1969 से इंडियन एयरलाइन्स कारपोरेशन के निम्नलिखित सदस्य होंगे, अर्थात्,

1. श्री एस० मोहन कुमारमंगलम्
2. श्री जे० आर० डी० टाटा
3. एयर चीफ मार्शल पी० सी० लाल
4. एयर मार्शल एम० एम० चतुर्वेदी
5. श्री के० टी० सतारवाला
6. श्री वाई० टी० शाह
7. श्री एन० खोसला
8. श्री के० एन मुकर्जी
9. श्री रवि जे० मथाई

और श्री एस० मोहन कुमारमंगलम् को उक्त कारपोरेशन का चेयरमैन नियुक्त करती है ।

[सं० 3-ए सी (6)/69]

एस० ओ० 3433 :— एयर कारपोरेशन अधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा प्रदान किये गये अधिकारों का प्रयोग करते हुए तथा पिछली सभी अधिसूचनाओं एवं आदेशों का अधिक्रमण करते हुए, केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि 1 अगस्त, 1969 से एयर इंडिया कारपोरेशन के निम्नलिखित सदस्य होंगे, अर्थात्,

1. श्री जे० आर० डी० टाटा
2. श्री एस० मोहन कुमारमंगलम्
3. एयर चीफ मार्शल पी० सी० लाल
4. एयर मार्शल एम० एस० चतुर्वेदी
5. श्री के० टी० सतारवाला
6. श्री वाई० टी० शाह
7. श्री एन० खोसला
8. श्री के० एन० मुकर्जी
9. श्री रवि जे० मथाई

और श्री जे० आर० डी० टाटा को उक्त कारपोरेशन का चेयरमैन नियुक्त करती है ।

[सं० 3-ए सी (6)/69]

अशोक मिश्र, सचिव ।

MINISTRY OF EDUCATION AND YOUTH SERVICES*New Delhi, the 14th August 1969*

S.O. 3434.—In exercise of the powers conferred by Section 35 of the Institutes of Technology Act, 1961 (59 of 1961), the Central Government hereby makes the following rules to amend the Council (Institutes of Technology) Rules, 1962, namely:—

1. (1) These rules may be called the Council (Institutes of Technology) First Amendment Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-rule (1) of rule (6) of the said rules—

(a) in the first sentence for the figures and words "12 pies per mile for each single journey" the figures and words "@ 35 paise per 10 km. or part thereof if it exceeds 5 km. limited to Rs. 20 for every 24 hours of journey or part thereof" shall be substituted;

(b) in the second sentence for the figure "Rs. 30", the figure "Rs. 10" shall be substituted.

[No. F. 10-4/69/T.6.]

G. N. VASWANI,

Dy. Educational Adviser (Tech.).

MINISTRY OF INFORMATION AND BROADCASTING**ORDERS***New Delhi, the 12th August 1969*

S.O. 3435.—In pursuance of the directions issued under the provisions of the enactment specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

S.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational pur- poses or a film dealing with news and current events or a documen- tary film
1	2	3	4	5	6
1.	Maharashtra News No. 204 (Marathi & Hindi)	295.00M	Director of Publicity, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay- 34.		Film dealing with news and current events (For release in Maharashtra cir- cuit only).
2.	Gaalu Aapan Gha- ampaha Jameen Dete Daam.	290.47M		Do.	Documentary film.

[No. F. 24/1/69-FP App. 1377]

S.O. 3436.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act-1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational pur- poses or a film dealing with news and current events or a docu- mentary film
1	2	3	4	5	6
1.	Mahitichitra No. 109.	249·91M	Director of Informations, Govt. of Gujarat, Sachivalaya, Ahmedabad.		Film dealing with news and current events (For release in Gujarat circuit only).
2.	Mahitichitra No. 111	247·87M	Do.	Do.	Do.

[No. F. 24/1/69-FP App. 1378.]

S.O. 3437.—In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Hindi to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of Section 5 of Uttar Pradesh Cinemas (Regulation) Act, 1955 (Uttar Pradesh Act No. 3 of 1956).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational pur- poses or a film dealing with news and current events or a documen- tary film
1	2	3	4	5	6
1.	Samachar Samu- chhaya No. 1.	305 00M	Shri Dharendra Pande, C/o Shri V. Prabhakar M/s. Bombay Films Lab. (P) Ltd., Dadar, Bombay.	Director of In- formation, Govt. of U.P., Luck- now.	Film dealing with the news and current events (For release in U.P. circuit).

[No. F. 24/1/69-FP App. 1379]

BANU RAM AGGARWAL, Under Secy.

सूचना और प्रसारण मंत्रालय

आदेश

नई दिल्ली, 12 अगस्त, 1969

एस०ओ० 3438.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्मों को उनके मराठी तथा हिन्दी भाषाओं के रूपान्तरों सहित, जिनका विवरण प्रत्येक के सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वा केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
 (2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 11वा बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि०मी०	आवेदक का नाम	निर्माता का नाम	क्या वज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैट्री फिल्म है।
1)	(2)	(3)	(4)	(5)	(6)
(1)	महाराष्ट्र समाचार संख्या 204, (मराठी तथा हिन्दी)	295.00 मीटर	प्रचार निदेशक, महाराष्ट्र सरकार सेंटर, गोड, बम्बई-34।	महा-तारदेव	समाचार और सामयिक घटनाओं की फिल्म (केवल महाराष्ट्र मार्केट के लिये)
(2)	गाइ आपन धाम पाही जमीन देते दाम	290.47 मीटर	—नर्थव—		डाकुमैट्री फिल्म (केवल महाराष्ट्र मार्केट के लिये)

[संख्या फ० 24/1/69 एफ०पी० परिशिष्ट 1377]

एस० ओ० 3439.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्मों को उनके गुजराती भाषा रूपान्तरों सहित, जिनका विवरण प्रत्येक के सामने उक्त द्वितीय

अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वा केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 17वा बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।
- (3) सौराष्ट्र सिनेमा (विनियम), अधिनियम 1953 (1953 का 17वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि०मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमन्ती फिल्म है।
(1)	(2)	(3)	(4)	(5)	(6)
(1)	महितिचित्रा संख्या 109	249.91 मीटर	सूचना निदेशक, गुजरात सरकार, सचिवालय, अहमदाबाद।	गुजरात सरकार, सचिवालय, अहमदाबाद।	समाचार और सामयिक घटनाओं की फिल्म (केवल गुजरात सर्किट के लिये)
(2)	महितिचित्रा संख्या 111	247.87 मीटर	—तथैव—	—तथैव—	—तथैव—

[संख्या फ० 24/1/69—एफ०पी० परिशिष्ट 1378]

एस० ओ० 3440.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके हिन्दी भाषा के रूपान्तर सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

- (1) उत्तर प्रदेश सिनेमा (विनियम) अधिनियम, 1955 (1956 का तीसरा उत्तर प्रदेश अधिनियम) की धारा 5 की उपधारा (4)।

द्वितीय अंश सूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि०मी०	आदेशक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकु- मैन्ट्री फिल्म है
(1)	(2)	(3)	(4)	(5)	(6)
(1)	समाचार संख्या 1	समुच्च 305.00 मीटर	श्री धीरेन्द्र पांडे द्वारा श्री बी० प्रदेश सर- प्रभाकर मै- सर्ज बम्बई फिल्मज ले- बोरेटरी (पी) लिमिटेड, दादर बम्बई।	सूचना निवे- शक, उत्तर प्रदेश सर- कार लख- नऊ।	समाचार और सामयिक घटनाओं की फिल्म (केवल उत्तर प्रदेश सरकार के लिये)

[सं फा० 24/1 '69-एफ०पी० परिशिष्ट, 1379]

बानू राम अग्रवाल, अवर सचिव।

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 13th August 1969

S.O. 3441.—In exercise of the powers conferred by sections 10, 30, 31 and 32 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Eighth Amendment) Rules, 1969.

2. In the Indian Post Office Rules, 1933, (hereinafter referred to as the said rules), in rule 87,

(i) to sub-rule (1), the following proviso shall be added, namely:—

“Provided that no such envelope shall contain coin, platinum, gold or silver, manufactured or not, precious stones, jewels and other valuable articles”;

(ii) to sub-rule (2), the following proviso shall be added, namely:—

“Provided that no such insured box shall contain bank notes, currency notes, securities of any kind payable to bearer and documents having the character of current and personal correspondence”.

3. In rule 89 of the said rules, the words "containing jewellery or valuables" shall be omitted.

4. In rule 92 of the said rules,

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) (a) A letter containing currency notes or bank notes and a parcel containing coin, bullion, platinum, precious stones, jewellery or articles of gold or silver, bank notes, currency notes, securities of any kind payable to bearer shall not be accepted for transmission by foreign post unless the sender also agrees to insure it:

Provided that in the case of an Insured Letter containing currency notes or bank notes, or an Insured Box containing bullion or gold coin or an Insured Parcel containing gold coin, bullion, currency notes, or bank notes or any combination of such articles, it shall be insured for the actual value of its contents;

(b) Where a foreign parcel containing coin, bullion, bank notes, currency notes, securities of any kind payable to bearer, platinum, precious stones, jewellery or articles of gold or silver and a letter containing currency notes or bank notes is addressed to a country or place to which insurance is not available, the article shall be insured for its inland transit alone and the fee charged therefor shall be as follows, namely:—

- | | |
|--|--|
| (1) When the value insured does not exceed Rs. 100. | 50 paise. |
| (2) When the value insured exceeds Rs. 100 but does not exceed Rs. 5000. | 50 paise for the first Rs. 100.
30 paise for every additional Rs. 100 or fraction thereof. |
| (3) When the value insured exceeds Rs. 5,000 | For amounts upto Rs. 5,000 same as for item (2) above and rupee one for every Rs. 1000 or fraction thereof in excess of Rs. 5,000; |

Provided that in the case of parcels containing gold coin, bullion, currency notes or bank notes or any combination of such articles and a letter containing currency notes or bank notes, such insurance for inland transit shall also be for the actual value of the contents:

(c) after sub-rule (2) but before the Explanation, the following sub-rule shall be inserted, namely:—

"(3) Nothing in this rule shall be deemed to authorise the transmission by post of anything which is otherwise prohibited from transmission by post".

[No. 28/7/65-CF.]

K. GOPALAKRISHNAN,
Dy. Director General (Mails).

संचार विभाग
(डाक तार बोर्ड)

नई दिल्ली, 13 अगस्त, 1969

एस० नो० 3442.—भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धारा 10, 30, 31 और 32 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय डाकघर नियम, 1933 में अतिरिक्त संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, अर्थात्

1. ये नियम भारतीय डाकघर (आठवां संशोधन) नियम, 1969 कहे जा सकेंगे।
2. भारतीय डाकघर नियम, 1933 के (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) नियम 87 में,

(i) उपनियम (1) में निम्नलिखित परन्तुक जोड़ दिया जायेगा :— "परन्तु ऐसे किसी निष्काफे में कोई मिक्का, प्लैटिनम, मोना या चांदी, चाहे वह विनिर्मित हो या नहीं, कीमती पत्थर, जवाहरात और अन्य उद्भूत वस्तुएं नहीं रखी जायेंगी।"

(ii) उपनियम (2) में निम्नलिखित परन्तुक जोड़ दिया जायेगा, अर्थात्:—

“परन्तु ऐसे किसी भी बीमा-बाक्स में बैंक नोट, करेंसी नोट, धारक को देय किसी भी प्रकार की प्रतिभूतियों तथा चालू और व्यवहृत पत्रव्यवहार के किस्म के दस्तावेज नहीं रखे जाएंगे ।”

3. उक्त नियम के नियम 89 में “जिसमें जवाहरात या बहुमूल्य वस्तुएं अन्तर्गत हैं” शब्द खूप्त किए जाएंगे ।

4. उक्त नियम के नियम 92 में

(क) उपनियम (1) के लिए निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात्:—

“(1) (क) कोई पत्र, जिसमें करेंसी नोट या बैंक नोट रखे हों और कोई पार्सल, जिसमें कोई सिक्का, बुलियन, प्लैटिनम कीमती पत्थर, जवाहरात या सोने अथवा चांदी की वस्तुएं, बैंक नोट, करेंसी नोट, धारक को देय किसी भी प्रकार की प्रतिभूतियां रखी हों विदेश डाक द्वारा पारेषणार्थ स्वीकार नहीं किया जायेगा जब तक कि प्रेषक इन वस्तुओं का बीमा कराने के लिए भी सहमत नहीं हो जाता ।

परन्तु बीमा, पत्र की दशा में, जिसमें करेंसी नोट या बैंक नोट रखे हों, या किसी बीमा-बाक्स की दशा में जिसमें बुलियन या सोने का सिक्का हो या बीमा पार्सल की दशा में जिसमें सोने का सिक्का, बुलियन, करेंसी नोट या बैंक नोट या ऐसी वस्तुएं रखी हों, उनका अंतर्बस्तुओं के वास्तविक मूल्य के लिए उनका बीमा किया जाएगा ।”

(ख) जहां कि कोई विदेश पार्सल, जिसमें सिक्का, बुलियन, बैंक नोट, करेंसी नोट, धारक को देय किसी भी प्रकार की प्रतिभूतियां, प्लैटिनम, कीमती पत्थर, जवाहरात या सोने अथवा चांदी की वस्तुएं और कोई पत्र, जिसमें करेंसी नोट या बैंक नोट रखे हों, ऐसे देश या स्थान के पते पर भेजे जा रहे हों जहां के लिए बीमा उपलब्ध नहीं तो उस वस्तु का बीमा केवल उसके अन्तर्देशीय अभिवहन के लिए किया जायेगा और उस पर प्रभारित फीस निम्नलिखित होगी, अर्थात्:—

(1) जब कि बीमों का मूल्य 100 रुपये से अधिक न हो 50 पैसे

(2) जब कि बीमों का मूल्य 100 रुपये से अधिक प्रथम 100 रुपये के लिए 50 पैसे हो, किन्तु 5000 रुपये से अधिक न हो प्रत्येक अतिरिक्त 100 रुपये या उसके किसी भिन्न के लिये 30 पैसे ।

(3) जबकि बीमों का मूल्य 5000 रुपये से अधिक हो 5000 रुपये की रकमों तक उपयुक्त मंड (2) की तरह और 5000 रु० से जितनी रकम अधिक होगी उस पर प्रत्येक 1000 रुपये या उसकी किसी भिन्न के लिए एक रुपया ।

परन्तु उन पार्सलों की दशा में जिनमें सोने का सिक्का, ब्रिलियन, करेसी नोट या बैंक नोट या ऐसी ही मिली जुली वस्तुएं रखी हों और किसी पत्र की दशा में जिसमें रेंसॉ न ट या बैंक नोट रखे हों अनर्देशों अभिहित के लिए ऐसा बोमा अनर्क्षस्तुओं के वास्तविक मूल्य के लिए भी होगा :

(ख) उपनियम (2) के पश्चात् किन्तु स्पष्टीकरण से पहले निम्नलिखित उपनियम अन्तः-स्थापित किया जाएगा, अर्थातः—

“(3) इस नियम की किसी बात से यह न समझा जाएगा कि वह किसी ऐसी वस्तु के डाक द्वारा पारेषण को प्राधिकृत करती है जिसका डाक द्वारा पारेषण अन्यथा प्रतिषिद्ध है।”

[सं० 28 7/65 सी० एफ०]

के० गोपालकृष्णम्

उप महानिदेशक (डाक) ।

INDIAN POSTS AND TELEGRAPHS DEPARTMENT ORDER

New Delhi, the 14th August 1969

S.O. 3443.—In exercise of the powers conferred by sub-section (3) of section 21 of the Indian Post Office Act, 1898 (6 of 1898), the Director-General of Posts and Telegraphs hereby makes the following Order further to amend the Post Boxes Order, 1956, namely:—

1. This Order may be called the Post Boxes (Amendment) Order, 1969.
2. In the Post Boxes Order, 1956, paragraph 25 shall be omitted.

[No. 43/3/68-CI (Vol. II).]

M. K. DEENA DAYALAN,
Director (Postal Technical).

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 18th August 1969

S.O. 3444.—Whereas, a vacancy has occurred in the Office of the Presiding Officer of the Labour Court at Hyderabad, constituted by notification No. S.O. 456, dated the 5th February, 1963, of the Government of India in the late Ministry of Labour and Employment;

Now, therefore, in exercise of the powers conferred by section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri K. H. Bhushan Rao as Presiding Officer of the Labour Court constituted as aforesaid.

[No. F. 1/47/69-LRI.]

New Delhi, the 20th August 1969

S.O. 3445.—In pursuance of section 171 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the Indian Overseas Bank Limited and their workmen, which was received by the Central Government on the 12th August, 1969.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri R. K. Baweja, Central Government Industrial Tribunal, Delhi.
31st July, 1969/9th Sawan, 1891 (S).

REFERENCE I. D. NO. 10 OF 1966

&

REFERENCE I.D. NO. 1 OF 1967

BETWEEN

The employers in relation to the Indian Overseas Bank Ltd., Janpath, New Delhi,

AND

Their workmen.

Shri G. B. Pai—for the Bank/management.

Shri Ramamurthi—for the workmen/union.

AWARD

This reference and reference No. 1 of 1967 will be disposed of by this award.

2. By Notification No. 51(46)/66-LRIV, dated 26th November, 1966, the Central Government referred the following industrial dispute existing between the employers in relation to the Indian Overseas Bank Ltd., Janpath, New Delhi (hereinafter to be called the bank), and their workmen for adjudication to this Tribunal:—

“Whether the suspension of Sarvashri J. K. Sehgal, M. B. Jain, J. P. Rohtagi and Raj Kumar and the disciplinary action taken against them by the management of Indian Overseas Bank Ltd. constitute an act of victimisation or unfair labour practice and, if so, to what relief are the workmen entitled?”

3. The same Government by another Notification No. 51(46)/66-LR-IV, dated 27th February, 1967 referred another industrial dispute existing between the same parties for adjudication to this Tribunal with the following term of reference:—

“Whether the dismissal of Sarvashri J. K. Sehgal, M. B. Jain, J. P. Rohtagi and Raj Kumar by the management of the Indian Overseas Bank Limited, with effect from the 23rd November, 1966 is justified? If not, to what relief are the workmen entitled?”

4. The bank had three branches in Delhi situated at Janpath, Chandni Chowk and Karol Bagh at the time of the dispute. Shri J. K. Sehgal and Shri M. B. Jain at the relevant time were employed in the Janpath branch of the Bank and Sarvashri J. P. Rohtagi and Raj Kumar in the Chandni Chowk branch. Shri J. K. Sehgal was a head cashier and had put in about ten years' service. Shri M. B. Jain was employed as a clerk and had put in about seven years' service. Shri J. P. Rohtagi was employed as a godown-keeper and had put in about eight years of service. Shri Raj Kumar was employed as a clerk with about eight years' service at his credit. In the statement of claim filed by the Indian Overseas Bank Employees' Union, Delhi (hereinafter to be called the Union), on behalf of the workmen, it is alleged that on or about the 31st of March, 1964 a settlement was arrived at between the management of the bank and all its workmen through the union which provided, *inter alia*, that direct recruitment to officers' cadre would not exceed 50 per cent of the entire promotions made to the officers' cadre from among employees in the service of the bank in any calendar year. The union alleged that in violation of this agreement, in the month of May, 1965, the management of the bank put one Shri A. T. Paneerselvam as an officer in the Karolbagh Branch of the bank to which the union protested. The bank did not agree and the matter was taken up as a dispute and the intervention of the conciliation officer was sought. It is stated that before the conciliation officer the bank agreed to transfer Shri A. T. Paneerselvam back to Madras after he had completed the training of two months. In spite of the above incident, the statement of claim further proceeds, the bank posted one Shri K. R. Menon as an officer in Chandni Chowk branch in Delhi and the union representatives met the agent of that branch and brought to his notice that it was violative of the terms of the settlement arrived at between the bank and the union. It was demanded that Shri Menon be sent back to the place where from he had come and the vacancy be filled up from amongst the

existing employees in Delhi as per terms of the agreement. To this, the bank did not agree and there was resentment against the employees at Delhi. To their surprise, the bank chose to victimise the leaders of the union and consequently issued letters to the four concerned workmen on the 4th of August, 1965 seeking their explanations to the various allegations and they were also suspended from that date. The workmen submitted their explanations to the above letters denying the charges levelled against them and thereafter on the 10th of August, 1965 the general manager signed a notice that in both the branches of the bank (Chandni Chowk and Janpath), Shri R. Ramachandran, agent Madras branch and Shri G. V. Krishnamurthi, agent Chandni Chowk branch of the bank would be competent to take disciplinary action, when necessary in respect of disciplinary matters. It was further averred in the statement of claim that the explanations in reply to the letters dated 4th August, 1965 submitted by the workmen were not placed before the disciplinary authorities appointed by the general manager, but were considered by one Shri R. A. Rao, assistant general manager who issued letters dated 12th August, 1965 intimating them that it was necessary to hold an enquiry into the matter, that the charge-sheets would follow in due course and that Shri R. Ramachandran who also had been authorised to take disciplinary action *vide* order dated 10th August, 1965 would conduct the enquiry. Shri R. A. Rao, the Assistant General Manager, issued four charge-sheets to Shri J. K. Sehgal, three to Shri M. B. Jain, four to Shri Raj Kumar and two to Shri J. P. Rohtagi requiring them to furnish their explanations on or before the 10th of September, 1965. As the explanations submitted by the workmen were not found to be satisfactory, Shri R. Ramachandran held the enquiry in which all the four workmen participated. The enquiry officer found that the charges levelled against the workmen stood established and he himself issued show-cause notices to all the workmen on the 13th of May, 1966 requiring them to explain within ten days as to why they should not be dismissed from service. The workmen submitted their representations against the show-cause notices issued to them by a single reply submitted by each workman separately and Shri R. Ramachandran then issued letters to the workmen dismissing them from service with effect from the 17th August, 1966 as provided in para 521(5)(a) of the Sastry Award. It seems that proceedings in respect of an industrial dispute between the management and the workmen were pending before the conciliation officer (central) at the time when the orders of dismissal were passed by the enquiry officer on the 17th of August, 1966. It was brought to the notice of the enquiry officer-cum-disciplinary authority that this was in contravention of section 33 of the Act as all the four employees were "protected workmen" and could not be dismissed without the prior permission of the conciliation officer concerned. Shri R. Ramachandran took notice of it and by his order dated 22nd of November, 1966 he rescinded his previous order dated 17th August, 1966, reinstated the workmen with full back wages for the period of suspension and then directed that they would stand dismissed with effect from the 23rd of November, 1966. Now this order of dismissal is challenged by the union on behalf of the workmen on various grounds mentioned in the statement of claim and which I shall take into consideration at the appropriate place.

5. The bank in its written reply admitted that the concerned workmen were in its employment as alleged in the statement of claim. It also admitted the agreement between the union and the management as a result of which direct recruitment to officer cadre had not to exceed 50 per cent of the entire promotions made from among the employees in service in any one calendar year. It was stated that though this agreement was arrived at without the approval of the head office, but still in order to honour the commitment made by the agent to the conciliation officer, it never violated its terms. It was further added that at no time did the union discuss the question of Shri K. R. Menon's posting at Delhi but instead the four employees resorted to agitation and committed various acts of gross misconduct for which they were charge-sheeted. According to the bank it was incorrect to say that the union leaders were victimised and it was added that the management had the sole jurisdiction to transfer or not to transfer an officer. The enquiry, according to the bank, was perfectly in accordance with the provisions of the Sastry Award and no illegality or irregularity was committed. The principles of natural justice alleged to have been contravened by the enquiry officer as stated by the union were scrupulously followed according to the bank and the enquiry officer on the other hand was most liberal in allowing the employees to resort to lengthy cross-examination. The allegation of the employees that they were protected workmen was, however, denied. Regarding the rescinding of the order dated 17th August 1965 it was stated that it was done as a measure of abundant caution and the order passed subsequent to that on the 22nd of November, 1966, it was stated, was perfectly valid. Rejoinders were also filed by the parties in which their respective versions were reiterated.

6. On the above pleadings of the parties, my learned predecessor, Shri Anand Narain Kaul framed the following issues:—

- (1) Whether the workmen have been victimised for their legitimate trade union activities?
- (2) As the terms of reference.

Issue No. 2 (Term of Reference):

7. I shall first discuss the term of reference before deciding the question of victimisation. The facts leading to the suspension and subsequent dismissal of the workmen have already been given above and need not be repeated. It will, however, be proper at this stage to refer to the charges which were levelled against the workmen by the bank. A copy of the charge-sheet Appendix C-I attached to the written statement indicates that the charge against Sarvashri Rohtagi and Rajkumar was that they entered the room of Shri G. V. Krishnamurthi, agent of the Chandni Chowk branch of the bank on the 30th of July, 1965 at 10-15 A.M. without his permission and without his sending for them and demanded that he should not allow Shri Menon, an officer transferred to that branch by the head office to work at that branch. When Shri G. V. Krishnamurthi declined to do so, they insisted that he should discuss with them the question of the posting of Shri Menon. When Shri Krishnamurthi pointed out that questions concerning staff could not be discussed without Shri Rai, agent of the Janpath branch of the bank, they forced Shri Krishnamurthi to phone to Shri Rai and asked him to go over there. On account of their threatening attitude, Shri Krishnamurthi asked Shri Rai to come to the Chandni Chowk branch. In the meantime without the permission of Shri Krishnamurthi, the said two employees took the phone and asked Sarvashri M. B. Jain and J. K. Sehgal of the Janpath branch of the bank to come over there by interrupting the discharge of their duties during the working hours, an act which was prejudicial to the interest of the bank and subversive of discipline. After the arrival of Sarvashri Sehgal and Jain, Shri Sehgal compelled Shri Krishnamurthi to book a trunk call to Shri R. A. Rao, Assistant General Manager of the bank at Madras and dictated him a message to be conveyed to Shri Rao. The details of the message are contained in the charge-sheet and need not be indicated here. It was stated that under duress Shri Krishnamurthi was forced to convey that message to Shri Rao and thereafter the said workmen allowed the agents to leave the room and during that period, they wilfully neglected to discharge their duties and the work of the bank was made to suffer. They were, therefore, charged for gross misconducts under Para. 521(4)(c), (e), (j) and (i) of the Sastry Award read with Para. 18.28 of the Desai Award.

8. The second charge-sheet against Sarvashri J. K. Sehgal, M. B. Jain and Rajkumar was that on Saturday, the 31st of July, 1965, they entered the New Delhi Agent's (Shri B. S. S. Rai) room at about 10.10 A.M. and forced him to disconnect the phone while he was engaged in a telephone conversation. Shri Rajkumar then took the agent's diary and the telephone directory and threw them most insultingly on the agent's table. On account of this menacing attitude of the employees, the agent had to leave his room for self-protection. When he returned to his room at about 12.20 P.M., the same employees went to his room at about 12.30 P.M., forced open another door to the agent's room which he always kept closed, called the staff and instigated and incited them to repeat the slogans and abusive epithets shouted by them mentioned in the charge-sheet. In this way, the work of the bank was brought to a stand still which prejudicially affecting its interest and reputation, and thus they were charged with gross misconducts under Para. 521(4)(c), (e), (j) and (i) of the Sastry Award read with Para. 18.28 of the Desai Award.

9. The third charge-sheet against Shri J. K. Sehgal was that on Friday the 30th July, 1965 at about 10.30 A.M. he left the premises of the New Delhi branch of the Bank without the permission of the agent, Shri Rai or the accountant Shri Ramamurthi thereby grossly neglecting his work as head cashier which negligence would have involved or likely to have involved the bank in serious loss. He was therefore, charged under para 521(4)(i) of the Sastry Award read with Para. 18.28 of the Desai Award for doing an act prejudicial to the interest of the bank.

10. Another charge-sheet against Shri Rajkumar was that on the 2nd, 3rd and 4th of August, 1965 he absented himself from duty at Chandni Chowk branch without obtaining leave though he went to the bank premises on all these days. On the 4th of August when he went to the Chandni Chowk branch, the agent (Shri G. V. Krishnamurthi) tendered to him his letter dated 4th August, 1965 at about 10.45 A.M. which he refused to accept saying that he was on leave and when the agent insisted on his taking the said letter, Shri Rajkumar went out by saying that

he would think about it for two minutes and return but did not return. On Thursday the 5th August, 1965 he again went to the Chandni Chowk branch at about 10.50 A.M. and when the agent sought to serve his letter dated 4th August, 1965, he instead of receiving that, asked a colleague of his to type out a leave application for three days i.e., 2nd, 3rd and 4th August, 1965 and insisted on the agent to receive his alleged leave application before the employee's accepting the letter sought to be served on him. The agent in order to see that the bank's work might not be impeded, received his leave letter and served on him his letter dated 4th August, 1965. Immediately thereafter he took possession of the attendance register without the agent's permission and marked therein 'C' against 4th August and initialled against 5th August. This conduct, according to the bank, amounted to tampering with the bank's records and also amounted to a criminal offence. He was, therefore, charged for gross misconduct under Para. 521(4)(c), (e), (j) and (6)(a) of the Sastry Award read with Para. 18.28 of the Desai Award.

11. Sarvashri J. K. Sehgal and M. B. Jain were further charge-sheeted *vide* charge-sheet dated 1st September, 1965. It was alleged that on the morning of Saturday, the 31st July, 1965 at about 9.45 A.M., they instigated all the members of the staff in New Delhi branch not to co-operate with the management in any manner and not to discharge their respective duties. On the same day, they induced Shri Somasundaram, clearing clerk not to attend to his clearing work with the result that the agent Shri Rai had to request another clerk to do that work. Further at about 10.30 A.M. on the same day, they telephoned to Chandni Chowk and Karol Bagh branches and asked the members there not to do any work thereby paralysing the work in those branches. They were, therefore, charged with gross-misconducts under Para. 521(4)(j) and (l) of the Sastry Award read with Para. 18.28 of the Desai Award.

12. Sarvashri J. P. Rohtagi and Rajkumar were also further charge-sheeted on the 1st of September, 1965 to the effect that on Monday the 2nd of August, 1965 at about 10.15 A.M. they entered the room of Shri Krishnamurthi without his permission along with others and shouted at him that Shri Menon posted to Chandni Chowk branch in place of Shri Ramaswamy, who had gone on leave, should go back. All other employees who accompanied Sarvashri J. P. Rohtagi and Rajkumar were gesticulating and shouting slogans like, "G.V.K. Hai, Hai, G.V.K. Kamline: G.V.K. Badinash, down with G.V.K., down with Rai down with Rao". Shri Rohtagi is stated to have commanded the agent to follow the instructions of Rajkumar and book a call to Shri Rao, Assistant General Manager, Madras, and when the agent declined, they both instructed the staff to squat in the agent's room with the result that the work stopped. For this alleged misconduct, they were charged under Para. 521(4)(c), (e), (j) and (l) of the Sastry Award read with Para. 18.28 of the Desai Award.

13. These charges were denied by the concerned workmen in their replies sent to Shri Rao on the 8th of September, 1965. Thereafter, as already stated above, the enquiry was stated by Shri R. Ramachandran, agent of the Madras branch of the bank and the enquiry proceedings were recorded in seven registers which have been filed before this Tribunal along with the other documents. On behalf of the workmen various objections were raised to the conduct of the enquiry proceedings and the report of the enquiry officer and the action taken thereon by the bank. They are given in the statement of claim filed by the workmen and I shall now consider them one by one.

14. The first objection was that Shri R. A. Rao, Assistant General Manager of the bank not being the disciplinary authority was not competent to initiate disciplinary proceedings which included the suspension of the concerned workmen, framing and serving charge-sheets on them and appointing the enquiry officer. In this connection I was referred to Paragraph 521(12) of the Sastry Award. It directs the bank to decide which officer shall be empowered to take disciplinary action in the case of each office or establishment and also to specify the names of all such officers as well as the officers or the body to hear appeals from the original orders passed against the employees in disciplinary matters. It is conceded that Shri R. Ramachandran was empowered on the 10th of August, 1965 to take disciplinary action against the concerned workmen by an order of the General Manager in pursuance of the directions contained in Paragraph 521(12) of the Sastry Award and a copy of that order has been placed on the file. The contention of Shri Ramamurthi, the learned counsel for the workmen was that when Shri R. Ramachandran had been empowered to initiate disciplinary proceedings against the workmen, Shri R. A. Rao, Assistant General Manager who issued the charge-sheets to the concerned workmen on the 1st of September 1965 was not competent to do so because under Paragraph 521(12) of the Sastry Award the disciplinary action can only be taken

by a person empowered by the bank in this behalf. It was further contended that it was only Shri R. Ramachandran who could pass the order of suspension against the workmen and not Shri R. A. Rao or the agents of the Janpath or Chandni Chowk branches of the bank. The argument of Shri Pai on behalf of the bank was that the initiations of the disciplinary proceedings commenced when the enquiry officer started recording the evidence and as the enquiry was held by a person empowered to do so under the said Paragraph of the Sastry Award, there was no defect in the procedure. His second argument was that even if the contention advanced on behalf of the workmen was given effect to, then this lapse was merely an irregularity which had not in any manner prejudiced the workmen and so it could not be a sufficient reason to hold that the enquiry stood vitiated. The mere issuance of charge-sheets, it was argued by him, could not amount to taking of disciplinary action. In this connection he drew my attention to Paragraph 521(10) (a) of the Sastry Award in which it is provided that, an employee against whom disciplinary action is proposed or likely to be taken shall be given a charge sheet clearly setting forth the circumstances appearing against him and a date shall be fixed for enquiry, sufficient time being given to him to enable him to prepare and give his explanation as also to produce any evidence that he may wish to tender in his defence. It was argued that this Paragraph contemplated a situation where disciplinary action could be dropped by the bank after the employee had been served with a charge-sheet and that this was indicated by the use of the words, ".....or likely to be taken.". I may add here that Paragraph 521(10) of the Sastry Award lays down the procedure in cases where disciplinary action is proposed or is likely to be taken against the employees of the bank. I do not think that the language of Paragraph 521(10)(a) quoted by Shri Pai lends support to the view that the disciplinary proceedings only start when the bank is not satisfied with the explanation furnished by the workman in reply to the charge-sheet served on him. A perusal of paragraph 521 indicates that when it is proposed to take disciplinary proceedings against an employee, the procedure starts with the issuance of a charge-sheet to him and if the explanation furnished by the employee is not found to be satisfactory then an enquiry is to be held into that misconduct. I am, therefore, inclined to hold that the disciplinary proceedings against an erring employee start with the issuance of the charge-sheet and not at the stage when the enquiry officer actually starts recording the evidence or takes cognizance of the case. In a ruling reported as 1968-II-LLJ-274 at p. 276 (*Shardul Singh v. State of Madhya Pradesh and others*), it was held by their lordships that the exercise of disciplinary powers is not confined merely to the passing by such authority of an ultimate order imposing disciplinary punishment against the employee. It extends even to the very initiation of disciplinary action against a civil servant or employee by framing charges against him and holding, or directing the holding of an enquiry into those charges. The framing of charges, the holding of an enquiry into them, the suspension of the civil servant during the enquiry, the notice to show cause, are all steps in the exercise of the disciplinary powers. These steps must be taken by the disciplinary authority and not by a delegate of that authority. It is true that in this case the provisions of Art. 311 of the Constitution of India were considered but that fact in itself will not, in any way, be sufficient to hold that the rule of law laid down therein will not apply to the present case. These were general observations of their lordships as to when the disciplinary proceedings start and I am inclined to take the view that the charge-sheets were not issued by an officer empowered by the bank to take disciplinary action against the workmen. After the receipt of the explanations of the workmen, they were not considered by the disciplinary authority. Shri R. Ramachandran but by Shri Rao who entrusted these papers to the enquiry officer to hold the enquiry. It is therefore, to be seen if under these circumstances when the disciplinary proceedings were not started by an officer empowered by the bank under the Sastry Award, can the enquiry be said to be bad on that ground? The argument of Shri Pai was that it was a mere irregularity which did not cause any prejudice to the workmen. The learned counsel for the workmen on the other hand contended that under the Sastry Award, it is the disciplinary authority who has to initiate proceedings and if the initiation of proceedings was wrong, the structure built over it by an officer who had been empowered to hold the disciplinary proceedings subsequently must fall down. Reliance was placed on the same authority which I have cited above and Shri Pai did not cite any authority to the contrary but contended that in the present case no prejudice was caused to the concerned workmen.

15. In the above ruling (1968-II-LLJ-274), relied upon by Shri Ramamurthi the facts were that, a sub-inspector of police was dismissed by the Inspector-General of Police. A departmental enquiry was held by the Superintendent of Police who not being the disciplinary authority in regard to him, had no power to initiate any departmental enquiry against him. On the report of the Superintendent of Police

who acted as the enquiry officer, the Inspector-General of Police dismissed the sub-inspector. The charges against the sub-inspector were framed by the Superintendent himself and he himself held the enquiry against him. After the submission of his report, action was taken by the Inspector-General of Police who was the disciplinary authority in regard to the sub-inspector. In the writ petition filed by the sub-inspector, the order of dismissal was challenged. On behalf of the State, it was urged that the disciplinary action in dismissing the sub-inspector was taken by the disciplinary authority and the mere fact that the charge-sheet was framed by the Superintendent of Police and the enquiry was held by him, did not in any way vitiate the enquiry. On these facts, it was held by their lordships that the exercise of disciplinary authority was not confined merely to the passing by such authority of an ultimate order imposing disciplinary punishment. It extended even to the very initiation of disciplinary action against a civil servant or employee by framing charges against him and holding an enquiry into them. The framing of charges, the holding of an enquiry into them, suspension during enquiry, the notice to show cause, were all steps in the exercise of the disciplinary powers, and these steps must be taken by the disciplinary authority and not by a delegate of that authority. It was further observed that, in the absence of a statutory provision permitting expressly or impliedly the delegation of disciplinary powers, the disciplinary authority must itself frame charges and hold enquiry into them or direct another to hold the enquiry on those charges. An authority other than the disciplinary authority has clearly no power to frame, on its own initiative, charges against a civil servant and hold enquiry into them. In this ruling, reliance was placed on a decision of the Supreme Court in *State of West Bengal v. Nripendra Nath Bagchi* (1968-1-LLJ-270) and also a Calcutta High Court decision in *A. R. S. Chaudhury v. Union of India* (1957-1-LLJ-494 at 499). In the former case, the point before the Supreme Court was, whether under Art. 233 of the Constitution of India, disciplinary control over District Judges and Subordinate Judges was vested in the High Court. Their lordships held that the word "control" used in that Art. vested the High Court with the powers to take disciplinary action and such power exercised by the Government was, therefore, invalid. The point to be kept in mind as a result of the observations of their lordships in this case is that, it is only the disciplinary authority which can initiate disciplinary proceedings against a delinquent employee and non-else. In the latter case which was also against a Government employee, it was observed that, the charge must be issued in the name of the punishing authority and must consist of the particulars of the alleged offence, with the object of affording the delinquent an opportunity of meeting it. It is true that all these authorities related to the dismissal of civil servants as was pointed out by Shri Pai but the rule of law laid down therein will also apply to the present case in view of the provisions of Paragraph 521(12) of the Award which enjoins upon the bank to notify an officer empowering him to take disciplinary action against employees of the bank. In Art. 311 of the Constitution to which there is a reference in the above cited ruling, there is no mention of disciplinary authority. What was decided was that it is the disciplinary authority which can initiate disciplinary proceedings against a delinquent employee. On the same analogy the Award also provides that the bank should empower an officer for the purposes of taking disciplinary action. Seen in that context the charge-sheets should have been issued not by Shri Rao, the Assistant General Manager but by Shri R. Ramachandran who had been notified under the relevant provisions of the Award for the purposes of taking disciplinary action against the workman. The reason is not far to seek. If a charge-sheet is served on a delinquent employee, he has to furnish an explanation and if the disciplinary authority is satisfied, it need not proceed further and the matter is dropped. But if it considers that the explanation to the charges levelled against a delinquent employee is not satisfactory, it can further proceed with the enquiry. So, it is the satisfaction of the disciplinary authority on receipt of the explanation of the delinquent employee if an enquiry is to be held or not and not the satisfaction of any other officer as was in the present case. It is, therefore, to be seen if this omission which contravenes some provisions of Paragraph 521(12) of the Sastry Award is such an omission which vitiates the proceedings. I shall consider this aspect of the case later on but it can be said that this omission did not cause any prejudice to the workmen by the initiation of the enquiry proceedings by a person who was not empowered to do so at that stage.

16 The second point canvassed on behalf of the workmen before me was that the complaints of the bank against them were offences involving moral turpitude and as such they should have been prosecuted and not departmentally proceeded against. In this connection I was referred to para. 521(2)(a) of the Award. It provides that when in the opinion of the bank an employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him

or get him prosecuted; and in such a case he may also be suspended. The expression "offence" has been defined in para. 521(1) as meaning any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provision of law. One of the charges against the workmen was that on 1st of September, 1965, they barred the way of Sarvashri Krishnamurthi and Rai, agents of the bank and thereby caused wrongful confinement of the two agents, which by itself was an offence punishable under the Indian Penal Code. Shri Raj Kumar was also charged for tempering with the bank's record amounting to a criminal offence. It was urged on behalf of the workmen that these offences involve moral turpitude and so, fall within the ambit of the offence as defined in the Award. Under these circumstances, it was argued that the management of the bank should have taken steps to prosecute the delinquent employees as provided in para. 521(2) (a) of the Award. The answer on behalf of the bank was that the use of the word "may" in this para. of the Award should be carefully noted and it was stated that all that it means is that if the bank wishes and considers it necessary to commence a criminal prosecution against an employee it can do so. It is not incumbent on the bank to take steps to start criminal proceedings, if an offence is committed by its employees but in lieu thereof, nothing debars it from taking departmental proceedings. On behalf of the workmen on the other hand it was contended that the word "may" has to be read as "must" having regard to the context in which it is used. Reliance was placed on A.I.R. 1930-Rangoon-297 (Government of Burma v. Municipal Corporation of Rangoon). It was a case under the Rangoon City Municipal Act. It was held that, in enactments which confer powers, and particularly in enactments which confer powers on public authorities, language of mere permission may not preclude the existence of a duty. It was also observed that, where a statute directs the doing of a thing for the sake of justice or the public good, the word "may" is the same as the word "shall". The facts in that case were quite different and in that context the word "may", it was held, could be read as "shall". But in the Award, the word "shall" has been used in many other places and it indicates that wherever it was intended that the provisions should be mandatory, it was so said by the use of the word "shall". I, therefore, agree with Shri Pai that Para. 521(2)(a) of the Award did not compel the bank to prosecute the delinquent employees but it was an option with the bank and if it was not exercised by it, it did not debar it from taking disciplinary proceedings against the workmen.

17. The third contention raised on behalf of the workmen was that the enquiry officer was not competent to pass the dismissal order dated the 22nd of November, 1966 having revoked his earlier dismissal order dated 17th of August, 1966. I may point out here that on the 17th of August, 1966, the disciplinary authority Shri R. Ramachandran passed the order of dismissal of the four workmen by holding that the charges against them had been established. It seems that conciliation proceedings were pending before the conciliation officer in respect of an industrial dispute between the parties. Under section 33(1) of the Act, they could not be dismissed, save with the express permission in writing of the conciliation officer before whom the conciliation proceedings were pending. The disciplinary authority realised this and for that reason revoked its previous order of the 17th August, 1966 and passed a fresh order dated 22nd of November, 1966. A copy of that order (Annexure G-4) was filed by the workmen along with their statement of claim. In this order, the disciplinary authority with a view to correct the procedural defects, rescinded the dismissal made against them by this order dated 17th August, 1966, allowed them to join duty on the 22nd of November, 1966 with back wages and also allowed them to draw full wages from the 12th of August, 1965 to the 17th of August 1966 during the period of their suspension. But at the same time it directed that they would stand dismissed from service on the 22nd of November, 1966. It was contended on behalf of the workmen that when the enquiry officer passed the order of dismissal of the workmen dated 17th of August 1966, his authority ceased and he had no power to cancel it and make a fresh order of dismissal. The reply on behalf of the bank was that Shri R. Ramachandran was fully competent to revoke his previous order of dismissal if he considered that it was not proper and in that connection reliance was placed on a dispute between Mysore Machinery Manufacturers, Ltd. and Assistant Commissioner of Labour and Conciliation Officer (1965—I—LLJ—353). In that case, pending adjudication proceedings before a labour court four workmen were dismissed for misconduct by orders made on 17th July, 1963. Realising that the orders made without applying for approval under the proviso to Section 33(2)(b) of the Act would not be valid in law, the employer cancelled the said orders and passed orders of dismissal once again on the 28th July, 1963. The labour court held that the employer having cancelled the orders of dismissal made on 17th July, 1963 could not dismiss them again on the 28th July, 1963 on the very grounds on which the previous orders of dismissal were based. The matter went in writ filed on behalf of the employer

and it was held that there was no condonation of the misdeeds of the workmen when the employer cancelled the orders of dismissal made on the 17th July, 1963. As the prior orders of dismissal were not valid as they were made without applying for approval of the labour court under the proviso to Section 33(2)(b) of the Act, they were revoked. In the eye of law, the orders of dismissal made on the 17th July, 1963 had no existence. The orders of dismissal were revoked and not the findings reached at the enquiry and hence there was no question of holding any fresh enquiry before passing the orders of dismissal on the 28th of July, 1963. The facts of the present case are analogous to the facts of the case cited above and I am inclined to take the view that the enquiry officer could revoke his previous order dated 17th of August, 1966 and for that reason, there was no necessity of holding any fresh enquiry. This objection of the workmen is, therefore, untenable and is over-ruled.

18. The next point brought to my notice by the counsel for the workmen was that there is a mandatory obligation on the part of the disciplinary authority under para. 521(10)(c) of the Award to take into consideration the past record and extenuating circumstances while imposing punishment. It was stressed that the order of the enquiry officer dismissing the workmen does not indicate that he ever paid heed to these provisions. It is provided in the said para. of the Award that in awarding punishment by way of disciplinary action the authority concerned shall take into account the gravity of the misconduct, the previous record, if any, of the employee and any other aggravating or extenuating circumstances that may exist. Where sufficiently extenuating circumstances exist the misconduct may be condoned and in case such misconduct is of the "gross" type he may be merely discharged, with or without notice or on payment of a month's pay and allowances, in lieu of notice. It was, therefore, argued that as these mandatory obligations had not been carried out, their dismissal was illegal. There is nothing in the enquiry proceedings or in the documents on the file of this Tribunal to suggest that the previous record was sent for or seen by the disciplinary authority. Shri Pai, however, relied on appendices A-I to A-12 attached to the written statement of the management which are copies or extracts from the service records of the delinquent employees. During the course of evidence these documents were not proved and so, they cannot be considered by me in order to ascertain if the previous record of the four dismissed employees was good or bad. Anyway, Shri Pai contended that where the charges levelled were serious as in the present case, the past record of the employees was of little significance. In support of this he cited the case between Solar Works, Madras and their workmen and another (1968-I-LLJ-765). In that case, the management did not take into consideration the previous record of the employee, and also did not take into account the standing order analogous to the provisions of the Award cited above. It was observed that where the misconduct of the workman is a very serious one, then there is no question of a milder punishment being inflicted. The misconduct *per se* was sufficient to justify the dismissal because of its serious nature. It was further observed that there was no scope at all for entertaining any apprehension that the management failed to give due weight to the provision of standing order 16(a) regarding past good conduct of the workers in fixing the quantum of punishment or that if it had done so, a different result would have followed. Shri Ramamurthi in support of his contention relied on 1963-II-LLJ-58 (Mahalakshmi Textile Mills v. Labour Court, Madurai, and others). There the standing orders of the establishment, *inter alia*, constituted absence without leave for eight consecutive days a misconduct. It further provided that, in awarding punishment to a workman found guilty of misconduct at the domestic enquiry the management shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating circumstances that may exist. The workman in that case was found guilty of remaining absent without leave for more than eight consecutive days at the domestic enquiry. He was awarded the punishment of dismissal from service. The concerned workman did not participate in the domestic enquiry. The labour court adjudicating the dispute set aside the order of dismissal, and directed his reinstatement. The employer filed a writ petition and it was held that, as the management had failed to take into account the various factors before awarding punishment as required by the relevant provisions of the standing order, the order setting aside the dismissal must be sustained. This very authority was considered by the same High Court in 1968-I-I LJ-765 quoted above, and it was observed that the facts in the Mahalakshmi Textile Mills' case showed that the misconduct of the worker was comparatively trivial, viz., over-stayal of leave. *Prima facie* the punishment of dismissal for such a venial fault was disproportionate, and this seems to have been the justification for the Court to hold that that was a proper case where the provision of the standing order relating to past conduct should have been taken into account because if it had been taken into account, there was every likelihood of the punishment having been less severe.

The next ruling to which my attention was drawn by the learned counsel for the workmen was 1954-I-LLJ-281 (Mr. Ziakh v. Firestone Tyre and Rubber Company, Ltd., and another). The learned counsel for the bank also placed reliance on this very authority. In that case also, the standing order required that in awarding punishment the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workmen and any other extenuating or aggravating circumstances that may exist. There was nothing on the record to suggest that the manager considered the past record of the delinquent employee while inflicting the punishment of dismissal on the worker, but the Tribunal considered that the slow-down in production was a very serious act and was calculated to bring about indiscipline and also to undermine industry. It took the view that it could not withhold the permission sought by the management and so, the decision of the Tribunal was upheld by the High Court in spite of the fact that the manager did not record that the previous record of the delinquent employee had been seen. I may also add here that in reply to the show-cause notice issued by the disciplinary authority the workmen never pleaded that their previous record was good and that it was a mitigating circumstance to be seen by the disciplinary authority while imposing the punishment. So, the crux of the matter as is apparent from the above cited authorities is that if the offence with which a delinquent employee is charged is very serious then the mere omission on the part of the disciplinary authority to consider the previous record of the workmen, even if it is good, is not a sufficient reason to strike down the order of dismissal. In the present case, as the charges show the workmen had been found guilty of gross indiscipline in hampering the work of the bank and for not allowing the agents to move. So, I feel that this omission on the part of the disciplinary authority to consider the previous record of the workmen, is not a sufficient reason to strike down the order of dismissal on that ground because the charges levelled against them were of serious nature so as to justify the punishment imposed upon them.

19. The next submission made on behalf of the workmen was that it was against the principles of natural justice for the enquiry officer himself to consider the reply to the show cause notice and then pass an order of dismissal as disciplinary authority. One of the earlier criticism of Shri Ramamurthi was that the bank should not have anything to do with the enquiry at any stage even of issuing a charge-sheet. Now it was argued that the enquiry officer should have only held the enquiry, should not have considered the explanation of the employees to the show-cause notice and should not have inflicted the punishment. According to him, the disciplinary authority for inflicting punishment should have been a different person from the enquiry officer. There is no such provision in the Sastry Award on which reliance was placed by the workmen and the disciplinary authority was fully competent to hold an enquiry and proceed further in the matter as was done in the present case. It is to be noted that under the Government Servants Classification, Control and Appeal Rules, the disciplinary authority himself can conduct the enquiry or appoint an enquiry officer and in case the disciplinary authority himself conducts the enquiry, he would be at liberty to consider the representations against his own findings. The provisions of Para. 521(10)(a) and 521(12) of the Award do not lay down that the enquiry officer must necessarily be a person other than the disciplinary authority appointed by the bank. I am, therefore, inclined to hold that there is no force in this contention canvassed on behalf of the workmen that the enquiry was vitiated inasmuch as no separate enquiry officer was appointed by the bank.

20. The next submission on behalf of the workmen was that in reply to the show-cause notice issued by the enquiry officer after his report holding them guilty of the charges levelled against them, he did not consider the objections raised by them in their reply as to the correctness of the findings recorded by him. From the appendices, (F-1 to F-4), attached to the statement of claim filed on behalf of the workmen, it appears that the enquiry officer observed that in their replies dated 13th May, 1966 to the show-cause notices, the workmen had nothing to say regarding the proposed punishment except to reiterate that the conclusions of the enquiry officer were inconsistent, which could only be questioned before the appellate authority appointed by the bank under Para. 521(12) of the Award read with Para. 18.28 of the Desai Award. He further observed that after once-again considering carefully all the records and material before him, he found them guilty of the charges and dismissed them without notice. It was submitted on behalf of the workmen that the right to show-cause against the action proposed carries with it the right to question the findings on the basis of which the punishment is proposed and is not confined to making submissions in mitigation of the punishment proposed. In this connection, I have to see to Para. 521(10)(a) of the Award. Therein, it is provided that an employee shall also be given a hearing as regards the nature of the proposed punishment in case any charge is established against him.

It is, therefore, obvious that once it is held by the disciplinary authority that a charge has been established against the delinquent employee then he is to be given a hearing as regards the nature of the proposed punishment. It, therefore, follows that under the provisions of this Paragraph of the Award the findings of the enquiry officer are not to be re-assessed by imposing the punishment and only the reply of the delinquent employee with regard to the proposed punishment is to be seen. The reason is not far to seek. The Award provides for an appeal to the appellate authority against the decision of the disciplinary authority where the findings can be assailed by the appellant. Apart from that, the disciplinary authority has stated in the order dated 17th of August, 1966 that he had considered carefully all the records and material before him and that as a result thereof the workmen were found to be guilty of the charges levelled against them. Under these circumstances, there seems to be no adequate reason to hold that the enquiry is bad in law on this ground.

21. After the above submissions, Shri Ramamurthi took considerable pains in taking me through the record of the enquiry proceedings and tried to build up the case that the report of the enquiry officer was perverse, that the conclusions which he drew on the basis of the evidence placed before him could not possibly be drawn and that the enquiry officer adopted double standard in appreciating the evidence of the parties. In order to appreciate these points it shall be necessary to consider the evidence on each charge adduced before the enquiry officer. The findings of the enquiry officer are contained in Appendix 'G'. The enquiry officer first considered the charge DO.SEC.42 dated 1st September, 1965 against Shri J. K. Sehgal. The details of this charge have already been narrated earlier and need not be re-stated here. The charge was that on the 30th of July, 1965 he left the premises of the bank without the permission of the agent, Shri Rai, or the accountant Shri Ramamurthi. To prove this charge, the bank produced Sarvashri Rai and Ramamurthi, agent and accountant respectively. They both supported the charge and their evidence was discussed in detail by the enquiry officer in his report. Shri Sehgal produced before the enquiry officer four witnesses namely, Sarvashri Aminchand Dogra, K. L. Bansal, Om Prakash and T. C. Malhotra. The enquiry officer summarised their statements in his report but considered only in detail the statement of Shri Dogra on whom much reliance was placed by Shri Syal, representative of this employee. The enquiry officer came to the conclusion that this witness was tutored and was not a truthful man. He did not specifically analyse the statements of other witnesses produced by the employee but after considering the bank's evidence, accepted the version of the management. According to Shri Ramamurthi, learned counsel for the workmen, this lapse on the part of the enquiry officer vitiated the enquiry. I shall consider this aspect of the case later on while considering the evidence in respect of other charges.

22. In the enquiry report the second charge which was considered by the enquiry officer was against Shri Rajkumar (Do.Sec.41 dated 1st September, 1965). This related to the absence of Shri Rajkumar on the 2nd, 3rd and 4th of August, 1965 from the Chandni Chowk branch of the bank and to his refusal to accept a letter dated 4th August, 1965 from the agent, Shri G. V. Krishnamurthy and again on the 5th of August, 1965 tampering with the record, submission of leave application and then accepting the said letter. The enquiry proceedings show that the bank produced before him Shri G. V. Krishnamurthy agent, Shri P. A. Sambu accountant and Shri K. R. Menon an officer of the Chandni Chowk branch of the bank. They supported the allegations of the bank which the enquiry officer exhaustively considered. This employee produced before him, Sarvashri Hira Singh, Narayan Singh, R. C. Bajaj and R. D. Aggarwal and the employee himself also entered the witness box. The enquiry officer brushed aside the testimony in a single sentence by observing that the evidence adduced by the employee was most irrelevant to the charges framed by the bank against Shri Rajkumar. A leave application for the 2nd, 3rd and 4th of August, 1965 was admittedly given to the agent by the employee on the 5th of August, 1965. Shri Ramamurthi, the learned counsel for the workmen pointed out that under para. 484 of the Award, an application for casual leave can be submitted later on. It is provided in this para. that, ordinarily the previous permission of the sanctioning authority shall be obtained before taking such leave. It is further provided that when this is not possible the said authority shall as soon as practicable be informed in writing or if writing is not possible orally or through any person of the employee's absence from work, reason thereof and of the probable duration of such absence. So, according to this para. the previous permission for casual leave is to be taken unless the conditions stated therein are satisfied. The enquiry officer considered this aspect and held that Shri Rajkumar had absented himself without applying for leave on the 2nd, 3rd and 4th of August without any sufficient reason. I, therefore, cannot sit in judgment over that finding but the only fact which I note at this stage is that

the enquiry officer did not consider the statements of witnesses produced by the employee as he did in the case of the witnesses produced by the bank.

23. The other charge (Do.Sec.40 dated 1st September, 1965), against the two workmen, Sarvashri J. P. Rohtagi and Rajkumar, Godownkeeper and clerk respectively of the Chandni Chowk branch was that on the 2nd of August, 1965 at about 10-15 am. without the permission of the agent, Shri G. V. Krishnamurthi, they entered his room along with others, and shouted at him that Shri Menon posted to Chandni Chowk branch in place of Shri Ramaswamy, who had gone on leave, should go back and that Shri Rohtagi commanded the agent to follow the instructions of Shri Rajkumar and book a call to Shri Rao, the assistant general manager at Madras. When the agent declined, both the aforesaid employees instructed the staff to squat in the agent's room. To substantiate this charge, the bank produced six witnesses before the enquiry officer namely, Sarvashri G. V. Krishnamurthi, agent, P. A. Sambu accountant, K. R. Menon Officer, B. Somasekhhar Rao Officer, Mahabir Prasad of Sultan Chand Vijay Prakash, Delhi and Inder Prakash of Masterphone Radio and Television Industries, Delhi. The last two witnesses, namely Sarvashri Mahabir Prasad and Inder Prakash, were customers of the bank and had gone there in connection with their business. They all supported the version of the bank. The employees examined before the enquiry officer thirteen witnesses who were workmen in the bank and eight other witnesses who were customer witnesses and had come to the bank in connection with certain transactions. As usual, after analysing the statements of the witnesses produced by the parties the enquiry officer proceeded to discuss the case of the management and the employees. He then gave his reasons as to why the allegations with regard to these charges stood established. The case of the employees was that the agent in a fit of anger thumbed his table with the result that the table glass broke. According to the employees, this necessitated the police coming to the premises. After considering the evidence of the bank witnesses, the enquiry officer came to the conclusion that the accusation against the agent that he lost his temper and broke the glass was not true. The bank let in evidence that the table had no glass as was evident from the inventory of the furniture (Ext. MD. 19). He accepted this evidence of the bank and rejected the version of the employees. The scope of the Tribunal to interfere with the findings of fact arrived at by an enquiry officer in a domestic enquiry is limited and it has been held in a number of rulings of the Supreme Court. Unless it is held that these conclusions could not be arrived at on the basis of the evidence produced before the enquiry officer, his findings cannot be interfered simply because, that another inference could be drawn by another person on the basis of the same evidence. Regarding this allegation that due attention was not paid to the evidence of the employees, I shall take that aspect of the case later on into consideration as in the case of other charges.

24. The other charge as contained in Do. Sec. 38 dated 1st September, 1965 against the three employees, namely, Sarvashri J. K. Sehgal, head cashier, New Delhi branch, M. B. Jain, clerk, New Delhi branch and Raj Kumar, clerk Chandni Chowk branch was that on the 31st of July, 1965 they entered the room of the agent of the New Delhi branch of the bank, (Shri B. S. S. Rai) at about 10.10 am. and forced him to disconnect the phone and while he was engaged in a telephonic conversation, Shri Raikumar took the agent's diary and the telephone directory and threw them most insultingly on his table with the result that the agent had to leave his room immediately in self-protection. When he returned to his room at about 12-20 p.m. the above-said three employees raised objectionable slogans against him as detailed in the charge-sheet and thus brought to a stand-still the work of the bank. In support of this allegation the bank relied on the statements of Sarvashri B. S. S. Rai, agent, N. Ramamurthi accountant, A. S. Sabharwal Officer, G. V. Krishnamurthi agent, P. A. Sambu accountant and four other customer witnesses namely, Sarvashri O. P. Batra, K. T. Shetty, H. A. Mokhtar and Prem Nath. All of them testified to the allegations as contained in the charge-sheet. The enquiry officer summarised their statements and then proceeded to analyse the statements of the witnesses produced by the workmen. The workmen concerned produced eleven witnesses who are employees of the bank and five customer witnesses. The version of the workmen in regard to this charge was that, Shri J. K. Sehgal and Shri M. B. Jain saw the agent in his room at 10.10 a.m. but Shri Rajkumar was not present there. It was added that Shri K. L. Bansal accompanied them but the other allegations were denied. When again they met Shri Rai after his return, he apologised for having insulted them and they left the room. So, the delinquent employees stated that it was the agent who insulted them when they met him. In support of this plea the produced a number of witnesses, Shri Rajkumar, the third charge-sheeted employee in the charge stated above took the plea of alibi and stated that he had gone to the clearing house at the time when the occurrence is alleged to have taken place in the room of Shri Rai. It is in evidence that Shri

Rajkumar being a clerk attending the clearing house for the clearance of the cheques, used to visit that place every day at 10-15 a.m. after reporting for duty at the Chandni Chowk branch of the bank. On that day, he did not report for duty and the bank produced evidence to prove that Shri Sood was asked to go to the clearing house. The fact that he attended the clearing house is borne out from the entries made by him in his own handwriting in the clearing schedule of 31st July, 1965 relating to Chandni Chowk branch. The distance between the New Delhi branch of the bank and the clearing house can be covered in twenty minutes by car. The enquiry officer, therefore, accepted this allegation of the bank that Shri Rajkumar, after participating in the disturbances at 10-15 a.m. in New Delhi branch went to the clearing house to attend the work there and later again in New Delhi branch at 12-30 p.m. when Shri Rai returned. So, the enquiry officer drew the conclusion that Shri Rajkumar's attending the clearing house did not categorically prove that he could not take part in the disturbances one at 10-15 a.m. and the other at 12-30 p.m. On the basis of that evidence, the enquiry officer drew the conclusion that the charge was proved and it would, therefore, not be correct to say that there is no evidence at all for coming to that conclusion. After summarising the testimony of the witnesses produced by the workmen, the enquiry officer came to the conclusion that they were biased witnesses for the following reasons:—

1. Some of the staff witnesses were under obligation or indebted to the union, who have espoused their case, like promotion to bill collector-cum-godown-keeper from subordinate staff.
2. Some of them had been served with memos. by the branch agent for some acts of omission and therefore, had grievance against the management, and
3. Shri T. C. Malhotra, one of the staff witnesses, was brother-in-law of Shri J. K. Sehgal, one of the charge-sheeted employee.

The learned counsel for the workmen contended that the reasons given by the enquiry officer for rejecting the testimony of the staff witnesses produced by the concerned workmen in support of their plea were untenable and thus the enquiry was bad. The Constitution of India provides in Article 19 that all citizens shall have the right to form associations or unions. So, if the workmen of the bank had formed a union which sometimes espoused their cause in the matter of promotion then it cannot be a sufficient ground to reject the testimony of the staff witnesses whose cases were sponsored by it. The union exists to espouse the causes of the workmen and if this is held to be a ground for the rejection of the evidence of the workmen then no employee can be believed in a domestic enquiry and the provision of the Constitution referred to above became nugatory. I, therefore, feel that ground No. 1 as specified above was not a sufficient ground for rejecting the testimony of the staff witnesses. But the enquiry officer was within his rights to hold that their evidence could be ignored on other grounds. It was next contended on behalf of the workmen that the evidence of several witnesses produced by the workmen namely, Sarvashri D. S. Gupta WE3(ND), Meva Ram EW4(ND), S. S. Tiwari EW5(ND), and K. L. Bansal EW7(ND), was not considered by the enquiry officer. From the enquiry report, however, I find that at page 13, the enquiry officer stated that the employees examined several witnesses including the witnesses named above. Thereafter, he summarised their statements as he did in the cases of other defence witnesses. So, it cannot be said that the enquiry officer did not make any reference to their statements in his report. On the other hand, the enquiry officer mentioned therein that the employees had produced eleven staff witnesses and after summarising as to what they had stated in detail, he then proceeded to discuss the evidence of the parties. He discussed the evidence produced by the bank in support of this charge which consisted of the statements of Sarvashri B. S. S. Rai, N. Ramamurthy, A. S. Sabharwal, G. V. Krishnamurty and P. A. Sambu and four customer witnesses. The defence of the employees to the charges as put before the enquiry officer by Shri P. L. Syal, the representative of the workmen was, then taken into consideration at page 25 of his report. The defence of the workmen was that one of the charge-sheeted employee Shri Rajkumar was not present at the New Delhi branch of the bank on the 31st of July, 1965 as he had gone to attend the clearance work at the clearance house and so, the allegation that he abused and obstructed the work of the agent, Shri Rai was false. The other plea put-forth by the representative of the workmen was that Sarvashri K. T. Shetty and Premnath, customer witnesses, examined by the bank were friends of Shri B. S. S. Rai and therefore had obliged him by giving evidence in his favour. Similarly, it was argued that Shri O. P. Batra, the other customer witness was under obligation of the bank for credit facilities. It was also contended on behalf of the workmen that there was no dislocation of the work in the branch as alleged by the bank and as had been proved from the customer witnesses examined

by the employees in their defence. The enquiry officer gave reasons for rejecting the pleas of the workmen and came to the conclusion that, in the ultimate analysis, after careful consideration of the entire evidence, oral and documentary, of both sides, he had no doubt that the employees Sarvashri J. K. Sehgal, M. B. Jain and Rajkumar were guilty of acts of misconduct specified therein. I, therefore, could not persuade myself in accepting the contention of Shri Ramamurthi, the learned counsel for the workmen that the evidence adduced by the workmen in their defence was not considered by the enquiry officer and that on that ground the enquiry was vitiated.

25. The next contention raised on behalf of the workmen was that the enquiry officer mis-understood the bank's case. It was stated by the bank that on account of the disturbances in its branch, the work started at 12-45 p.m. on the 31st of July, 1965. This is what was stated by Shri N. Ramamurthi, accountant of the bank as MW 2 before the enquiry officer. The workmen, however, produced Shri Partap Singh Rastogi EW 12(ND), Shri Nirenderpaul EW 13(ND), Shri V. P. Singh EW 14(ND), Shri Surinder Bhatia EW 15 (ND) and Shri Jagannath EW 16(ND), and they stated that when they visited the bank on the 31st of July, 1965, normal work was being carried on and that there was no dislocation. I have already stated above that the statements of these witnesses were considered by the enquiry officer and this version that there was no dislocation in the bank was rejected by the enquiry officer. The next point brought to my notice was that the statement of Shri Narayan Singh EW 10(CC), whose evidence had been recorded at page 84 in the enquiry register marked as DC-42, was not considered at all by the enquiry officer and the evidence of the charge-sheeted employees was not taken into consideration. While considering all the charges, the explanations furnished by the employees to the charges were taken into consideration by the enquiry officer but there is no specific mention in his report that he took into consideration the statements of the charge-sheeted employees when they appeared as witnesses for themselves. The enquiry officer probably thought that in the statements of the charge-sheeted employees as witnesses before him they had repeated what they had stated in their replies to the charge-sheets and so, he did not make any reference to these statements in his report. From the record of the enquiry officer, I find that Shri Narayan Singh EW 10 (CC) did state that he accompanied Shri Rajkumar to the clearance house on the 31st of July, 1965 but his statement finds no place in his report. But that in itself will not be a sufficient ground to hold that there was no material before the enquiry officer to persuade him to come to the conclusion that the charges against the workmen had been established.

26. My attention was drawn by the learned counsel for the workmen to the statements of Shri O. P. Batra MW 6 and Shri Premnath MW 9, customer witnesses produced by the bank before the enquiry officer. The former deposed that on the 31st of July, 1965 when he visited the bank he received cash before 12 O'clock whereas Shri Premnath MW 9 stated that he received the cash after 12-30 p.m. on the 31st of July, 1965. It was contended that Shri N. Ramamurthi, the accountant stood contradicted by the statements of these two witnesses produced by the bank apart from the evidence produced in defence that the work in the bank had been brought to a stand-still upto 12-45 p.m. and that the cash department did not work between 10-10 a.m. and 12-45 p.m. The enquiry officer took into consideration this aspect of the matter and held that the case of the management was not so much that no work was done at all in the branch on the 31st of July, 1965 and even if he believed that a few customers had been able to transact their business in the branch within the banking hours, it did not in his view disprove the case of the management. This finding of the enquiry officer was described by the learned counsel for the workmen as perverse, against the weight of evidence and based on misreading of the evidence adduced before him. The two versions were given by the two sides and the enquiry officer came to his own conclusion. I am not sitting as a court of appeal and if a reasonable inference could be drawn from the evidence adduced before the enquiry officer by the parties, then it cannot be said that the findings are perverse or suffer from any infirmity.

27. The next charge Do. Sec. 39 dated the 1st of September, 1965 was against Sarvashri J. K. Sehgal and M. B. Jain, head cashier and clerk of the New Delhi branch of the bank. The management alleged that on the morning of 31st July, 1965 at about 9-45 a.m., they instigated all the employees of the New Delhi branch of the bank not to co-operate with the management in any manner and not to discharge their respective duties. It was further alleged that on the same day, they induced Shri Somasundaram, clearing clerk not to attend to his clearing work with the result, that one Shri Ganesan was requested by the agent, Shri Rai to do

that work. It was further alleged that at about 10-30 a.m. on the same day they telephoned to Chandni Chowk and Karolbagh branches and asked the employees there not to do any work with the result that the work in these two branches was paralysed.

28. The management examined four witnesses, namely, Sarvashri B. S. S. Rai, Agent, N. Ramamurthi, Accountant, N. Somasundaram, Shroff-cum-bill collector and S. Ganesan, assistant before the enquiry officer to prove this charge. The employees examined eleven witnesses in support of their case. These witnesses stated that there was no disturbances on the 31st of July, 1965, in the branch. It was contended on behalf of the workmen that the statement of Shri Om Prakash produced by them had not been considered. The said witness deposed that he opened the cash on the 31st of July, 1965 and that Shri J. K. Sehgal came late on that day by two or three minutes. As in the charge-sheet it was stated that the instigation by the workmen took place at 9-45 a.m. and as this witness who was a cashier had deposed that he came a little bit later, it was argued that the enquiry officer was not justified in holding that the concerned workman, Shri Sehgal was present in the bank premises at 9-45 a.m. The enquiry officer, no doubt, did not specifically refer to this discrepancy, but he considered the defence of the employees as submitted to him by their representative, Shri Syal and came to the conclusion after carefully considering the evidence led by the parties that the employees were guilty of acts prejudicial to the interest of the bank and abetting and instigating members of the staff not to discharge their respective duties. It was not necessary for the enquiry officer to specifically mention about this minor discrepancy as was contended on behalf of the workmen. It is true that there was no evidence on the record to prove this part of the charge that the work in the Karolbagh and Chandni Chowk branches was paralysed as a result of the telephonic instructions alleged to have been given by the workmen to their colleagues there. Nobody from these two branches was produced before the enquiry officer. So, it can be said that the finding of the enquiry officer to that extent was not based on legal evidence. Similarly, this part of the charge that Shri M. B. Jain persuaded Shri N. Somasundaram not to proceed to the clearing house was not borne out from the statement of Shri Somasundaram. What he stated before the enquiry officer was that it was Shri Sehgal who told him that being a secured staff he should not do any clerical work and prevented him from going to the clearing house. So, the conclusion of the enquiry officer that Shri M. B. Jain also prevented Shri Somasundaram from proceeding to the clearing house is not correct.

29. One of the defences taken by the workmen before the enquiry officer was that in the telex message dated 2nd of August, 1965 which was sent by the management to the head office, there was no mention about Shri J. K. Sehgal and Shri M. B. Jain preventing Shri Somasundaram from going to the clearing house. It was, therefore, contended that the charges were false and an after-thought. The enquiry officer dealt with this point and held that it was not incumbent to send every detail in such messages. He relied on the statements of Sarvashri N. Ramamurthi, accountant and Somasundaram. It, therefore, cannot be said that there was no legal evidence for the enquiry officer to come to that conclusion and if he drew an inference from the omission of these facts in the telex message, it cannot be said that the finding was perverse. It is not one of those cases in which it may be said that there was no legal evidence before the enquiry officer to come to that Conclusion. I am, therefore, inclined to hold that excepting parts of the charge of which I have made a reference above, the rest of the findings of the enquiry officer cannot be said to be perverse so as to vitiate the enquiry.

30. Charge No. DO. SEC. 37, dated the 1st of September, 1965, relates to an occurrence alleged to have taken place on 1st September, 1965. The details of this charge have been given in para 7 of the award and need not be repeated. In support of this charge, the management produced Sarvashri G. V. Krishnamurthi, agent, Chandni Chowk Branch, B. S. S. Rai, Agent, New Delhi branch of the bank. P. A. Sambhu, accountant, K. R. Menon and B. Somasekhar Rao, officers of the Chandni Chowk branch of the bank besides the customer witnesses, Sarvashri Inder Prakash, Jugal Kishore and O. P. Sabharwal. The explanations given by the four workmen against whom this charge was levelled were also considered by the enquiry officer. Sarvashri J. K. Sehgal and M. B. Jain, employees of the New Delhi branch of the bank deposed that it was Shri B. S. S. Rai who took them to the Chandni Chowk branch for discussion on certain matters while the case of the management was that Shri Rajkumar and Shri Rohtagi, employees of the Chandni Chowk branch phoned them to come there from the New Delhi branch and the latter two without the permission of the agent left the branch and arrived at the Chandni Chowk branch. At the Chandni Chowk branch, it

was alleged, that they misbehaved towards the two agents, prevented them from going out and compelled them to transmit a message to Shri Rao at the head office. I may add here that the allegation of the management is that Sarvashri Rohtagi and Rajkumar compelled the agent of the Chandni Chowk branch to give a ring to Shri Rai, agent of the New Delhi branch to come there and Shri Rai reached the Chandni Chowk branch. All the witnesses produced by the management supported the allegation as contained in the charge-sheet. On behalf of the workmen, nine witnesses, who were employees of the bank, were produced and four customer witnesses also came forth to depose in their favour. The enquiry officer examined at length the statements made by the two set of witnesses produced by the management and the workmen and came to the conclusion that the charges stood established. The pith and substance of the statements made by the witnesses produced by the workmen was that there was no disturbance in the bank and that the work continued in the normal manner. This version did not find favour with the enquiry officer and he relied on the testimony of the witnesses produced by the management. He also dealt at length with the contentions advanced on behalf of the workmen by their representative, Shri Syal and repelled them. Before me, it was contended that the enquiry officer did not consider at all the evidence of Sarvashri Amin Chand Dogra, K. L. Bansal, Om Prakash and T. C. Malhotra. It seems that the statements of these four witnesses, who were employees of the New Delhi branch, were recorded while considering the charge DO. SEC. 39. So, while dealing with charge No. DO. SEC. 37, the enquiry officer probably forgot that these witnesses had also deposed about Shri Sehgal proceeding to Chandni Chowk branch on the 31st of July, 1965. The first two witnesses stated therein that Shri Sehgal was accompanied by the agent, Shri Rai while the other two stated that in his absence some other employee was deputed to work in his place. I shall consider later on as to what is the effect of the enquiry officer not considering the statements of several witnesses produced by the workmen. Even if they had been believed then only this part of the charge could be said not to have been established that Shri Sehgal left the branch without permission. But what happened at the Chandni Chowk branch, these witnesses obviously were not in a position to say. The next contention was that no reasons were given by the enquiry officer for rejecting the testimony of the other witnesses produced by the workmen. I have stated above that the enquiry officer summarised the statements of these witnesses in detail and then after considering the versions of both the parties held that he gave more weight to the testimony of the witnesses produced by the management while rejecting the contentions put before him by Shri Syal. It was next argued that the statements of the four charge-sheeted employees recorded by the enquiry officer were not taken into account. In the report, the explanations given by the employees were considered by the enquiry officer and as these statements were also on the same lines probably no reference was made to them in that report.

31. The other argument was that certain documents filed by the workmen had not been considered by the enquiry officer and for that reason the report could be struck down. The first document is a letter dated the 14th of August, 1965 addressed by Shri R. A. Rao, assistant general manager to Shri P. S. Lamba, a customer of the bank. It seems that the customer had made a complaint to Shri Rao about misbehaviour of the staff of the bank towards him. Shri Rao informed him that it was the intention of the bank to enforce discipline among the staff and to render efficient service to the customers. Naturally, Shri Rao continued that when firm action was taken against the delinquent employees, certain amount of dislocation of work was inevitable and he requested Shri Lamba to bear with them for some more time. Then there are letters by the staff to the agents, Chandni Chowk and New Delhi branches of the bank dated the 6th and 7th of August, 1965 alleging that there was victimisation of the union leaders and a protest was lodged against the attitude of the management. Letter dated the 6th of August, 1965 was from the union to the conciliation officer, Government of India, Ministry of Labour and Employment against the victimisation of trade union leaders by the management of the bank and rude behaviour of the agent of the Chandni Chowk branch. It also requested the conciliation officer to hold an enquiry. Another letter dated the 3rd of September, 1965 was from the union to the same conciliation officer in which it was alleged that the enquiry being conducted by the assistant general manager against the agent of the Chandni Chowk branch was a farce. Another letter dated 8th of September, 1965 addressed to the same conciliation officer by the union was also on the same topic. On the 8th of September, 1965 the union again wrote to the assistant general manager of the bank that the enquiry against the agent, Shri G. V. Krishnamurthy was not only farce but Shri Rao, assistant general manager had further indulged in unfair labour practice by serving charge-sheets on the four union leaders while he had not given his findings in the enquiry against Shri G. V. Krishnamurthy.

The State Bank Employees' Federation in its letter dated the 2nd of June, 1965 to the agent of the Karolbagh branch of the bank protested against the posting of one, Shri A. T. Paneerselvam as an officer and depriving the promotion chances to the existing staff of the Delhi branches of the bank. The same Federation in its another letter dated the 10th of August, 1965 to the conciliation officer stated that the employees were being victimised for their trade union activities. Then there were representations dated the 6th and 7th of August, 1965 by the staff of the bank to the agent of the New Delhi branch of the bank against the victimisation of Sarvashri J. K. Sehgal and M. B. Jain. All these documents were on the file of the enquiry officer but the enquiry officer did not take them into consideration. The contention of the union was that had he taken these documents into account, he would have held that the concerned workmen had been victimised. In a dispute between Bareilly Electricity Supply Company, Ltd. and Sirajuddin and others (1960-I-LLJ-556), it was held that the finding of *mala fides* could be made by industrial tribunals only after sufficient reliable evidence was led in support of it. Such a finding should not be made light-heartedly or in a casual manner.

32. In the light of these observations of their lordships or it is to be seen whether there are *mala fides* on the part of the management in the present case. It is true that in the letter dated the 6th of August, 1965 the allegation of victimisation was made against the agent of the Chandni Chowk branch of the bank and in the letter dated the 10th of August, 1965 to the conciliation officer, some high handedness on the part of the management was brought to his notice. In another letter dated the 3rd of September, 1965 referred to above addressed to the conciliation officer by the union, it was stated that the enquiry being conducted by the assistant general manager against the agent of the Chandni Chowk branch was a farce. I may add here that at the instance of the workmen the allegation of losing temper and maltreating them was levelled by the union against the agent and the assistant general manager started the enquiry. It was during the course of that enquiry that charge-sheets were served on the workmen. The grievance of the union was that before the enquiry against the agent was completed, the serving of the charge-sheets on the workmen indicated that the management was bent upon to harm the interest of the employees which amounted to victimisation. It is also true that the concerned workmen were office bearers of the executive committee of the union, but the question for determination is if these facts are sufficient to show that in fact the several occurrences as alleged by the management did not happen at all or highly distorted versions of the same were given by the management. In view of the evidence placed before the enquiry officer, one of the above conclusions could not be arrived at. But on the basis of the evidence adduced before him, he held that the charges levelled against the workmen had been established. I am, therefore, not inclined to hold that a case was cooked up against the workmen as was stated on their behalf and that to achieve that end the workmen were victimised or falsely implicated.

33. The oral evidence adduced before me by the workmen consisted of the statements of Sarvashri Brijlal Gupta, Sri Bhagwan, J. K. Sehgal and Rajkumar. The first stated that he once went to the agent of the bank in order to enquire whether the approval of the head office for his facilities had been received. The agent replied that he was upset on account of the staff trouble and that he had called the police to the bank premises on account of that trouble. He added that he might dismiss several employees. Sri Bhagwan, WW2 is a partner of M/s. Bishan Swaroop and Sons. Three/four months ago from the 10th of September, 1968, the date of his statement, an official of the union came to him and asked him to give evidence. In August, 1965 he went to see the agent of the bank in connection with his account. Outside the bank he stated, the employees were raising slogans and were creating noise. The bank manager told him that on the previous day he had removed the union officers. The witness asked the manager to settle the dispute, but he replied that unless those employees were removed it could not be settled. Shri J. K. Sehgal, one of the concerned workmen deposed with reference to an agreement dated the 31st of March, 1964 between the union and the bank regarding promotion policy. He stated that the bank, in violation of that agreement, wanted to appoint a South Indian employee from South instead of promoting the senior most bank employees at Delhi. Then the witness states that there was a settlement before the conciliation officer and it was agreed that the bank would send back that South Indian to South. Another man, Shri Menon was then appointed officer and Shri Sehgal alongwith others met the agent and brought this to his notice. Shri Rajkumar is the other concerned workman and he states that on the 31st of July, 1965 he went to the bank and thereafter proceeded to the clearing house and returned at about 11.30 A.M. From that he tried to make out a case that he was not present at the time of the alleged disturbances in the bank premises. From the above statements, I do not think that an inference of

mala fides can be drawn. The evidence of the management consisted of the statements of Sarvashri B. Karunakaram, R. Sundarajan and A. T. Paneersevam. The latter joined the bank as a probationer officer in 1964. From May, 1965 to the middle of July, 1965 he was at the Karolbagh branch of the bank and thereafter was transferred to Madras. The other two witnesses proved certain documents Exts. M/1 to M/6. After giving my careful consideration, I hold that the evidence placed on the record does not in any way prove that the charges were false and that the management was actuated by a *mala fide* intention in order to victimise and falsely implicate them. So, I shall record my findings on Issue No. 1 against the workmen.

34. As a result of the above discussion, two points remain to be considered. The first is as to what is the effect of the disciplinary authority notified by the bank under Paragraph 521(12) of the Sastry Award in not issuing the charge-sheets. I have already stated above that this omission did not cause any prejudice to the workmen. It is true, as observed earlier, that these charge-sheets should have been issued by the disciplinary authority but the question is if this omission or lapse on the part of the management is an adequate reason to hold that the enquiry is bad if otherwise it has been fairly conducted after affording full opportunity to the workmen to defend themselves. After giving my anxious consideration to this aspect of the case, I feel that as the workmen were not prejudiced in any manner, the violation of the provisions of the Sastry Award to this small extent cannot be taken to be a ground for striking down the enquiry. The other point which emerges from the above discussion is that while discussing certain charges the enquiry officer summarised the evidence and in one or two cases he did not consider the statements of some witnesses produced by the workmen. I may add here that after summarising the evidence of the parties the enquiry officer then considered the version of the management and the version of the workmen and after considering the entire evidence he came to a certain conclusion. In one or two cases, no doubt, he did not refer to the statements of several witnesses but it had no adverse effect on the conduct of the enquiry and the conclusions which were drawn by the enquiry officer. I, therefore, do not feel that the enquiry proceedings suffer from an infirmity which vitiates them. In an unreported case between Tata Engineering and Locomotive Company Limited and S. C. Prasad and another (Civil Appeal No. 888 of 1966), a copy of which has been placed on the file, their lordships of the Supreme Court made the following observations:—

“Industrial tribunals, while considering the findings of domestic enquiries, must bear in mind that persons appointed to hold such enquiries are not lawyers and that such enquiries are of a simple nature where technical rules as to evidence and procedure do not prevail. Such findings are not to be lightly brushed aside merely because the enquiry officers, while writing their reports, have mentioned facts which are not strictly borne out by the evidence before them. Of course, if the enquiry officers were to transgress the rules of natural justice by relying on matters which the workman had no opportunity to meet the validity of his findings would be affected. Since the extraneous matters relied on by the Tribunal were merely incidental matters and did not affect the findings they cannot be held to have vitiated them.”

So, if the enquiry officer did not discuss the statements of a few witnesses, I do not think that the enquiry can be struck down on that ground. In another ruling reported as 1958-1-LJ-260 (Indian Iron and Steel Company, Ltd., and another and their workmen), it was held by their lordships of the Supreme Court that, in cases of dismissal on misconduct, the tribunal does not, however, act as a court of appeal and substitute its own judgment for that of the management. It was further observed that it will interfere (i) when there is a want of good faith, (ii) when there is victimisation or unfair labour practice, (iii) when the management has been guilty of a basic error or violation of a principle of natural justice, and (iv) when on the materials the finding is completely baseless or perverse. Keeping in view these principles, I do not think that the dismissal order suffers from any such infirmity.

35. The other reference I.D. No. 10 of 1966 relates to the suspension of the four workmen. It was stated that the order of suspension against them was passed by the management in order to victimise them for their trade union activities. This aspect of the case has already been considered above and need not be repeated here. The order of suspension led to the holding of enquiry and resulted in passing the order of dismissal.

36. For the aforesaid reasons, my answer to the first reference (Ref. I.D. No. 10 of 1966) is against the union and Ref. I.D. No. 1 of 1967 is in favour of the management. This being so, the workmen are not entitled to any other relief and the award is made accordingly.

(Sd.) R. K. BAWEJA,

(Fifty pages)

Central Govt. Industrial Tribunal, Delhi.

31st July, 1969

[No. 51/46/66/LRIII.]

ORDERS

New Delhi, the 18th August 1969

S.O. 3446.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Vulcan Insurance Company Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Thiru B. S. Somasundaram shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of the Vulcan Insurance Company Limited was justified in terminating the services of Shri R. Thiruvankataswamy, a workman of the Coimbatore Branch with effect from the 18th December, 1968. If not, to what relief is the workman entitled?"

[No. F.25/16/69-LRIII(LRI).]

New Delhi, the 22nd August 1969

S.O. 3447.—Whereas the Central Government is of opinion that an industrial dispute exists between the management of the Life Insurance Corporation of India, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the said dispute involves a question of national importance and the dispute is also of such a nature that industrial establishments situated in more than one state are likely to be interested in, or affected by, such dispute;

And, whereas the Central Government is of opinion that the said dispute should be adjudicated by a National Tribunal;

Now, therefore, in exercise of the powers conferred by section 7B, and sub-section (1A) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the National Industrial Tribunal at New Delhi, constituted under section 7B of the said Act.

SCHEDULE

"Whether the demands made on behalf of the Class III and Class IV employees of the Life Insurance Corporation of India under the following heads are justified? If so, to what extent, and to what relief are the workmen entitled and from what date?

1. Leave fare facilities;
2. Outfit for Class IV employees;
3. Special increments;
4. Subsistence allowance;
5. Travelling allowance and daily allowance;
6. Leave rules including holidays;
7. Rules regarding promotions."

[No. 25/24/68-LRIII(LRI).]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 19th August 1969

S.O. 3448.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2) Dhanbad, in the industrial dispute between the employers in relation to the Bhowra Colliery of Messrs Bhowrah Kankanee Collieries Limited, Post Office Bhowrah (Dhanbad) and their workmen, which was received by the Central Government on the 12th August 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 2 of 1968

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Bhowra Colliery of Messrs Bhowrah Kankanee Collieries Limited, Post Office Bhowrah (Dhanbad)

AND

Their workmen.

APPEARANCES:

On behalf of the employers—Shri K. C. Nandkeolyar, Dy. Chief Personnel Officer.

On behalf of the workmen—Shri Prasanta Burman, Secretary, Khan Mazdoor Congress.

Dhanbad 6th August 1969

STATE: Bihar

INDUSTRY: Coal

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery of Messrs Bhowrah Kankanee Collieries Limited, Post Office Bhowrah (Dhanbad) and their workmen, by its order No. 2/161/67-LRII dated 29th January 1968 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

“Whether the management of Bhowra Colliery of Messrs Bhowrah Kankanee Collieries Limited, Post Office Bhowrah (Dhanbad) were justified in stopping from work the following workmen with effect from the 6th September, 1966?”

<i>Name of workmen</i>	<i>Designation</i>
1. Smt. Pabi Kamin	Truck loading
2. Sri Dinoo G	-do-
3. Smt. Chatia Kamin	-do-
4. „ Bijala Kamin	-do-
5. „ Lata Kamin	-do-
6. „ Kusim Kamin	-do-
7. „ Kusmi Kamin	-do-
8. „ Romi Main	-do-
9. „ Jhulu Kamin	-do-
10. „ Adori Kamin	-do-
11. „ Sanoo Kamin	-do-
12. „ Jamuna Kamin	-do-
13. „ Tilaka Kamin	-do-
14. „ Rohani Kamin	-do-
15. „ Sukhi Kamin	-do-
16. „ Sabi Kamin	-do-
17. „ Sarathi Kamin	-do-
18. „ Khandi Kamin	-do-
19. „ Mukhi Kamin	-do-
20. Sri Magna Cooli	-do-
21. Smt. Nepura Kamin	-do-
22. Sri Pashupati Cooli	-do-

<i>Name of Workmen</i>	<i>Designation</i>
23. Smt. Achala Kamin	Truck Loading
24. " Lakhi Kamin	-do-
25. Sri Shankar Cooli	-do-
26. Smt. Butni Kamin	-do-
27. " Bhabi Kamin	-do-
28. Sri Napoo Cooli	-do-
29. Sri Sukhu Dey	Munshi
30. Smt. Adari Kamin	Truck loading & unloading
31. " Kolo Kamin	-do-
32. " Kaisallya	-do-

2. Workmen filed their statement of demands. The employers filed their statement of demands as well as rejoinder.

3. On 16th June 1969 Shri Prasanta Burman, Secretary, Khan Mazdoor Congress the union sponsoring the dispute has filed an application stating that the union is no longer interested in pursuing the dispute and that it may be disposed of accordingly. As no more dispute subsists for adjudication no further enquiry is necessary. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Government Industrial Tribunal
(No. 2) Dhanbad.
[No. 2/161/67-LR.II.]

ORDERS

New Delhi, the 14th August 1969

S.O. 3449.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Domarpara Dolomite and Limestone Mine of Messrs Chhotanagpur Forest Syndicate Limited, Post Office Baraduar, District Bilaspur (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the claim of the workers employed in Domarpara Dolomite and Limestone Mines of Messrs Chhotanagpur Forest Syndicate Limited, Post Office Baraduar, District Bilaspur (Madhya Pradesh) to get wages in terms of Wage Board recommendations for Dolomite and Limestone Mining Industry with effect from the 1st January, 1967 is justified? If so, to what relief these workers are entitled?

[No. 36/24/69-J.R.IV.]

New Delhi, the 16th August 1969

S.O. 3450.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhanora South Colliery of Messrs Equitable Coal Company Limited, Post Office Jamuria Haut, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the dismissal of Shri Biswanath Chattaraj, Assistant Time Keeper from the 19th December, 1968 by the management of Bhanora South Colliery of Messrs Equitable Coal Company, Limited is justified? If not, to what relief is the workmen entitled?"

[No. 6/34/69-LRII.]

S.O. 3451.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Rise Area Bhagatdih Colliery, Post Office Dhansar, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether the claims of Sarvashri R. P. Singh and K. P. Mukherjee, Mining Sirdars of Rise Area Bhagatdih Colliery, Post Office Dhansar, District Dhanbad for the 'D' Grade scale of pay of Rs. 205—7—247—10—337 as prescribed in the Central Wage Board for Coal Mining Industry are justified? If so, to what relief are these workmen entitled?"

[No. 2/57/69-LRII.]

New Delhi, the 19th August 1969

S.O. 3452.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Keeping in view the agreement dated 11th April 1969 regarding transfer of management of Adjai Second Colliery between the outgoing employer Messrs Harkrishnan Singh Chopra and Bros. (collieries) Private Limited and incoming employer Messrs Bengal Coal Company Limited, whether the terms of appointment offered by the management of Messrs Bengal Coal Company Limited in the appointment letters issued to the workmen taken over by them from 1st April 1969 from the outgoing employer are in any way less favourable than those applicable to them before this date? If not to what extent the management of Messrs Bengal Coal Company Limited is justified in imposing these terms of appointment on the workmen concerned and with what results?"

[No. 6/25/69-LR.II.]

S.O. 3453.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bankola Colliery Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Bankola Colliery, Post Office Ukhra, District Burdwan was justified stopping Shri Basir Khan, Guard from work with effect from 21st October 1968 and if not, to what relief he is entitled?"

[No. 6/41/69/LR.II.]

New Delhi, the 20th August 1969

S.O. 3454.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Sallitho Ores Private Limited, Vasco-da-gama and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Messrs Sallitho Ores Private Limited, Vasco-da-gama are justified in paying minimum bonus to the workmen employed in their pale mine for the accounting year ending with 31st December, 1967?

If not, to what relief are the workmen entitled?"

[No. 24/41/69-LR.IV.]

New Delhi, the 21st August 1969

S.O. 3455.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of North Jhagrakhand Colliery, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

"Whether keeping in view of the recommendations of the Wage Board in Appendix VI at page 54, Volume II of the Central Wage Board for Coal Mining Industry the demand of the Azad Koyala Shramik Sabha, Post Office Jhagrakhand Colliery for placing Shri K. N. Pandey, Clerk Grade III as Grade II in North Jhagrakhand Colliery, is justified? If so, to what relief is the workman entitled?"

[No. 5/14/69/LR.II.]

S.O. 3456.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Karanpura Dewarkhand Colliery Company (Private) Limited, Post Office Khelari, District Ranchi and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether having regard to the financial capacity of Messrs Maranpura Dewarkhand Colliery Company (Private) Limited, Post Office Khe-lari, District Ranchi, the management is justified in not implementing the wages and other benefits to the workmen as recommended by the Central Wage Board for Coal Mining Industry and as accepted by the Government with effect from 15th August, 1967. If not, to what relief, if any, are the workers entitled in respect of wages, dearness allowance and other benefits and from what date?"

[No. 2/28/69-LRII.]

New Delhi, the 22nd August 1969

S.O. 3457.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation of the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Post Office Malkera, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government, considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Post Office Malkera, District Dhanbad in refusing work with effect from the 22nd February, 1968 to Shri Bara Mohinder Singh, Coal Cutting Machine-in-Charge and subsequently dismissing him from Company's services with effect from the 21st November, 1968 is justified? If not to what relief is the workman entitled?"

[No. 2(76)/69-LR. II.]

S.O. 3458.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Chora Colliery No. 7 and 9 Pit—Post Office Chora, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Chora Colliery, No. 7 and 9 Pit, Post Office Chora, District Burdwan was justified in awarding punishment of suspension without wages from 30th December, 1968, to 7th January, 1969, to the following workmen:—

1. Shri Bhagwati Passi—Loader.
2. Shri Banshi Passi—Loader
3. Shri Chottelal Passi—Loader.
4. Shri Biswanath Rajbhar—Loader.

5. Shri Raj Narain Rajbhar—Loader.
6. Shri Gaidlal Pasi—Loader.
7. Shri Bisram Passy—Loader.
8. Shri Motilal Passy—Loader.
9. Shri Ganesh Harijan—Loader.
10. Shri Banshi Bhar—Miner.

If not, to what relief are these workmen entitled?"

[No. 6(18)/69-LR. II.]

S.O. 3459.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of West Gopalichuck Colliery of Messrs Central Kirkend Coal Company Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 3) Dhanbad constituted under section 7A of the said Act.

SCHEDULE I

"Whether the management of West Gopalichuck Colliery of Messrs Central Kirkend Coal Company Limited, Post Office Kusunda, District Dhanbad was justified in dismissing 66 miners (names mentioned in Schedule II) with effect from the 16th October, 1968 and 52 miners (Names mentioned in Schedule III) with effect from the 14th October, 1968. If not, what relief are these workmen entitled?"

SCHEDULE II

Sl. No.	Name	Designation	Date from which dismissed
1.	Sukar Hazam.	Miner	16-10-1968
2.	Keman Hazam	"	"
3.	Bimal Hazam	"	"
4.	Akbali Mia	"	"
5.	Kasmali Mia	"	"
6.	Khalil Mia	"	"
7.	Dhaneswar Pashi	"	"
8.	Asraf Mia	"	"
9.	Anwar Hussien	"	"
10.	Turab Khan No. 2	"	"
11.	Chandu Pashi	"	"
12.	Chanu Chamar	"	"
13.	Nasir Mia	"	"
14.	Banwari Pashi	"	"
15.	Safi Khan	"	"
16.	Sibon Chamar	"	"
17.	Makbul Khan	"	"
18.	Dinaram Kahar	"	"
19.	Jogeshwar Pashi	"	"
20.	Sukhai Pashi	"	"
21.	Sahadeo Shaw	"	"
22.	Bhayaram Pashi	"	"
23.	Bhairao Pashi	"	"
24.	Jokhan Pashi	"	"
25.	Deoki Rajwar	"	"
26.	Suleman Mia	"	"
27.	Salamat Mia	"	"
28.	Suleman Mia No. 1.	"	"

No.	Name	Designation	Date from which dismissed
29.	Tazir Mia	Miner	16-0-1968
30.	Uddin Mia	"	"
31.	Sarif Mia	"	"
32.	Rahim Mia	"	"
33.	Nuro Mia	"	"
34.	No. 2 Sahadeo Bhuia	"	"
35.	Horil Mahato	"	"
36.	Chotu Dhobi	"	"
37.	Hori Dusad	"	"
38.	Karoo Dhobi	"	"
39.	Sudan Mia	"	"
40.	Samarali Mia	"	"
41.	Ali Mia	"	"
42.	Basaratali Mia	"	"
43.	Ch. Babun Mia	"	"
44.	Darbari Dusad	"	"
45.	Idu Mia	"	"
46.	Hasmali Mia	"	"
47.	Hamid Mia	"	"
48.	Karoo Mia No. 2	"	"
49.	Janki Bhuia	"	"
50.	Jogeswar Mahato	"	"
51.	Issaque Mia	"	"
52.	Askali Mia	"	"
53.	Haroo Dusad	"	"
54.	Arjoon Paswan	"	"
55.	Kaila Mia	"	"
56.	Karoo Mia	"	"
57.	Latoo Barhi	"	"
58.	Ramabatar Pashi	"	"
59.	Panonam Pashi	"	"
60.	Sitaram Pashi	"	"
61.	Badri Kumhar	"	"
62.	Baldeo Bhuia	"	"
63.	Jhari Mahato	"	"
64.	Lala Pashi	"	"
65.	Ahmad Mia No. 2	"	"
66.	Tukan Bhuia	"	"

SCHEDULE III

Sl. No.	Name	Designation	Date from which dismissed
1.	Johur Mia	Miner	14-10-1968
2.	Ahamad Mia	"	"
3.	Muslim Mia	"	"
4.	No. 2 Subhani Mia	"	"
5.	Sahaban Mia	"	"
6.	Samtali Mia	"	"
7.	Joban Mia	"	"
8.	Tilok Hazam	"	"
9.	Biseswar Chamar	"	"
10.	Balchan Choudhery	"	"
11.	Ramabatar Dusad	"	"
12.	Pitamber Dusad	"	"
13.	Jagadish Dusad	"	"
14.	Janki Dusad	"	"
15.	Subhani Mia	"	"
16.	Bhatu Mia	"	"

SL No.	Name	Designation	Date from which dismissed
17.	Dewal Mia	Miner	14-10-1968
18.	Sattan Mia	"	"
19.	Masurali Mia	"	"
20.	Jumarti Mia	"	"
21.	Janki Ram	"	"
22.	Wahid Mia	"	"
23.	Sahadat Mia	"	"
24.	Md. Rafik Mia	"	"
25.	Piroo Mia	"	"
26.	Imaman Mia	"	"
27.	Bakash Mia	"	"
28.	Somar Mia	"	"
29.	Hulash Mia	"	"
30.	Budhram Pashi	"	"
31.	Hiroo Pasi	"	"
32.	Satyanarain Pasi	"	"
33.	No. 1 Hublal Pasi	"	"
34.	No. 2 Ranamatali Mia	"	"
35.	Lukan Hazam	"	"
36.	Sarifuddin Mia	"	"
37.	Latoo Mia	"	"
38.	Mohd. Ali Mia	"	"
39.	B. Babun Mia	"	"
40.	Inus Mia	"	"
41.	Samari Bhuia	"	"
42.	No. 1 Rajabli Mia	"	"
43.	Imamuddin Mia	"	"
44.	Hanif Mia	"	"
45.	Jehali Mia	"	"
46.	Churaman Mia	"	"
47.	Butaran Dusad	"	"
48.	Chandu Dusad	"	"
49.	Jhari Chamar	"	"
50.	Gulab Bhuia	"	"
51.	Siba Chamar	"	"
52.	Rohsan Bhuia	"	"

[No. 2(280)68-LRII.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 20th August 1969

S.O. 3460.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Labour and Employment No. 13(21)/69-HI dated 24th December, 1959, namely:—

In paragraph 2 of the said notification for items (b) and (c), the following shall be substituted, namely:—

- “(b) 1. Palluruthy
2. Kumbhalangi
3. Elankunnapuzha
4. Narakkal
5. Nayarambalem
6. Portion of Rameswaram Village known as ‘Mundamveli’ and
7. Chellanam in Cochin Taluk in Ernakulam District.

- (c) 1. Mulavukad
 2. Maradu
 3. Portion of the revenue village of Elamkulam known as 'Thevara' and
 4. Portion of the revenue village of Nadamel known as 'Tripunithura' in Kanayannur Taluk in Ernakulam District.

[No. F. 13(20)/68-HI.]

S.O. 3461.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Sharavathy Hydro Electric Generating Station, Jog in a non-implemented area in the State of Mysore hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the official Gazette or until the enforcement of the provisions of Chapter V of the Act in that area, whichever is earlier.

[No. F.6(61)/69-HI.]

S.O. 3462.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Pirana, 16 M.G.D. Sewage Treatment Plant, Pirana Sewage Farm, Pirana Road, Ahmedabad in an implemented area, hereby exempts the said plant from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from 15th July, 1969.

[No. F. 6(50)/69-HI.]

S.O. 3463.—Whereas the Central Government was satisfied that The Stone Trading Company was situated in Wadi area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Gulbarga in the State of Mysore;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Department of Social Security No. S.O. 3290, dated the 2nd September, 1964;

And, whereas the Central Government is satisfied that the insurable population of the Wadi area in the district of Gulbarga in the State of Mysore has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In the Schedule to the said notification, Serial No. 5, and the entries relating thereto shall be omitted.

[No. F.6/64/69/HI.]

S.O. 3464.—Whereas the Central Government was satisfied that Orissa Industries was situated in Latkata area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Sundergarh in the State of Orissa;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Department of Social Security No. S.O. 947, dated the 19th March, 1965;

And, whereas the Central Government is satisfied that the insurable population of the Latkata area in the district of Sundergarh in the State of Orissa has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In the Schedule to the said notification, serial No. 7 and the entries relating thereto shall be omitted.

[No. 6/35/69-HI.]

S.O. 3465.—Whereas the Central Government was satisfied that (1) Wadi Stone Marketing Company (Private) Limited, (2) The Stone Polishing Company were situated in Wadi area which was a sparse area, (that is, an area whose insurable population was less than 500) in the district of Gulbarga in the State of Mysore;

And, whereas by virtue of the location in a sparse area, the aforesaid factories were granted exemption from the payment of the employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2865, dated the 2nd November, 1961;

And, whereas the Central Government is satisfied that the insurable population of the Wadi area in the district of Gulbarga in the State of Mysore has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In Schedule I to the said notification, against Serial No. 10, the entry "Wadi" in column 4 and the corresponding entries in column 5 shall be omitted.

[No. F.6/64/69/HI.]

S.O. 3466.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri Santosh Kumar Mukherjee, Saktipada Kar and Shrimati Anjali Ganguly to be Inspectors for the whole of the State of West Bengal and the Union Territories of Tripura and Andaman and Nicobar Islands, for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21/6/68-PF-I.]

DALJIT SINGH, Under Secy.

श्रम, नियोजन और पुनर्वासि मंत्रालय

(श्रम और नियोजन विभाग)

नई दिल्ली 20 अगस्त, 1969

का० प्रा० 3467.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सर्व श्री संतोष कुमार मुखर्जी, शक्तिपद कार और श्रीमती अंजली गांगोली को, केन्द्रीय सरकार के या उसके नियंत्रणधीन किसी स्थापना के सम्बन्ध में या किसी रेल कम्पनी महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से सम्बन्धित किसी स्थापना के सम्बन्ध में उक्त अधिनियम, और उसके अधीन बनाई गई किसी योजना के प्रयोजनों के लिए, सम्पूर्ण पश्चिम बंगाल राज्य तथा त्रिपुरा और अंडमान और निकोबार द्विपों के संघ राज्यक्षेत्रों के लिए एतद्वारा निरीक्षक नियुक्त करती है ।

[सं० 21(6) 68—पी० एफ० 1]

दलजीत सिंह अवर सचिव

(Department of Labour and Employment)

New Delhi, the 21st August 1969

S.O. 3468.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs Kooverjee V. Currumsey and Company, Bombay and their workmen, which was received by the Central Government on the 12th August, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-1 of 1968

PARTIES:

Employers in relation to Messrs Kooverjee V. Currumsey and Company

AND

Their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers—Shri N. K. Currumsey.*For the workmen*—Shri H. K. Sowani, Advocate with Shri I. S. Sawant, Assistant Secretary, Transport and Dock Workers' Union, Bombay.

Bombay, the 29th July 1969

STATE: Maharashtra

INDUSTRY: Ports and Docks

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment have by their Order No. 28/121/67-LR/III dated 21st December 1967 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs. Kooverji v. Currumsey and Company, Bombay and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

"Whether the management of Messrs. Kooverjee V. Currumsey & Company, Bombay, was justified in dismissing Shri B. Almeida, Customs Clerk, from service with effect from the 31st August, 1967, and withholding his salary from the month of May 1967 to the date of dismissal. If not, to what relief is he entitled?"

2. The Transport and Dock Workers' Union representing the workmen employed by the employers Messrs. Kooverjee V. Currumsey has by its statement of claim alleged that Shri R. Almeida the workman involved in this reference was working with the employers as a custom clerk for about 12 years but the management suddenly decided to transfer him from custom office to the Fertiliser Corporation factory at Wadi Bunder. After his transfer he was required to run about here and there and his health was affected and he was advised to take rest. He requested the management to retransfer him to his original work of customs clerk but the management did not accede to his request and also did not pay him his salary for the months of May, June and July 1967. But on the 29th August 1967 the workman received a letter from the company asking him to attend an enquiry into certain acts of misconduct alleged to have been committed by him in not attending to his work properly and misbehaving with his co-workers and after holding a nominal enquiry he was dismissed from service with effect from 31st August 1967 and hence the dispute.

3. The union has contended that the charges levelled against the workman were not specific and clear. He was also not given a reasonable opportunity to defend himself. The enquiry officer did not give him an opportunity to cross-examine the witnesses and the enquiry was in violation of the principles of natural justice and the dismissal was perverse and the same being illegal it should be set aside and the company should be directed to reinstate the workman.

4. The employers have by their written statement denied the allegations made by the union and have contended that the employee was transferred according to normal routine for work at the Fertiliser Corporation factory which is also at Wadi Bunder. The workman insisted that he would not do any work other than at the Custom and as such flouted all the reasonable orders of the employers and as he was all along disobeying the management there was no alternative but to charge-sheet him. A proper enquiry was held and as he was found to have committed the misconduct he was dismissed from service. The employers had complied with all the provisions of the Industrial Disputes Act and the employee is not entitled to be reinstated.

5. The employers are a proprietary firm and before the date of the hearing the Tribunal received an application from the Constituted Attorney of the company that the proprietary firm had been adjudged an insolvent in insolvency petition No. 90 of 1968 and the two References CGIT-1 of 1968 (the instant reference) and another reference CGIT-5 of 1968 in respect of this employer should be closed. It was further mentioned that the Official Assignee of the Bombay High Court had been appointed as an assignee in the insolvency proceedings. On the day of the hearing the Proprietor of the firm Shri N. K. Currumsey himself appeared and submitted that because of losses he had to close his business. He had been adjudged an insolvent in insolvency petition No. 90 of 1968 and whatever be the merits of the dispute he will be unable to reinstate the employee and will be unable to pay any compensation and the reference should be closed.

6. The learned Counsel, Shri H. K. Sowani, appearing for the union has conceded that the employers are a proprietary firm and Shri N. K. Currumsey has been adjudged an insolvent by the Bombay High Court in Insolvency Petition No. 90 of 1968. He further submitted that as the employer has closed his business no useful purpose will be served and the union did not want to press the employees claim in this reference.

7. As the Proprietor has been adjudged an insolvent and as he has closed his business I do not think any useful purpose will be served by proceeding with the reference and the union has rightly decided not to press the claim. As the union does not wish to press the claim it shall have to be held that the employer was justified in dismissing Shri B. Almeida and the employee is not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. ZAMBRE,
Presiding Officer,
Central Government Industrial
Tribunal, Bombay.
[No. 28/121/67-LR-III.]

S.O. 3469.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs Kooverjee V. Currumsey, Bombay and their workmen, which was received by the Central Government on the 12th August, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

Reference No. CGIT-2/14 of 1968

PARTIES :

Employers in relation to Messrs Kooverjee V. Currumsey, Bombay

AND

Their Workmen.

PRESENT :

Shri A. T. Zambre, Presiding Officer.

APPEARANCES :

For the employers—Shri N. K. Currumsey.

For the workmen—Shri H. K. Sowani, Advocate with Shri I. S. Sawant, Assistant Secretary, Transport and Dock Workers' Union, Bombay.

STATE: Maharashtra

INDUSTRY: Ports and Docks

Bombay, the 28th July 1969

AWARD

The Government of India, Ministry of Labour Employment and Rehabilitation (Department of Labour and Employment) by their order No. 28(6)/68-LR.III, dated 17th March, 1968, have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs. Kooverjee v. Curumsey, Bombay and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

"Whether the retrenchment of the undermentioned workmen by Messrs. Kooverjee v. Curumsey, Bombay, with effect from the 1st December, 1966, was justified? If not, to what relief are they entitled?"

1. Shri S. S. Shinde	}	Dock Clerks
2. Shri A. V. Lohana		
3. Shri K. S. Rane		
4. Shri H. G. Hinge		Mucadam
5. Shri A. Coutinho		Custom Clerk.

2. The Transport and Dock Workers' Union which represents the employees in the employ of Messrs. Kooverjee v. Curumsey and Co. has by its statement of claim alleged that the employers had by their notice, dated 31st October, 1966, terminated the services of the employees with effect from 30th November, 1966, by way of retrenchment. The union had challenged the legality of the notices on the ground that they were not retrenched according to the principle of 'last come first go'. No retrenchment compensation also was paid and hence they had taken up the matter for conciliation which failed and as a result of the failure Government had referred the dispute for adjudication.

3. They have contended that the employees who have been retrenched were working with the establishment for a number of years. They were senior in service and they should not have been retrenched. It has been further alleged that the employers have not paid retrenchment compensation at the rate of 15 days wages per year and as the retrenchment is illegal and improper the order should be set aside and the workmen should be reinstated with full back wages.

4. The employers have by their written statement opposed the claim and have denied the allegations made by the union and have contended that though they have used the word "retrenchment" in fact there was no retrenchment but their services were terminated as there was no work. The notice given to the employees was proper. The employer had no alternative but to dispense with the services of these persons as the whole work has practically stopped and only such persons whose services were needed for its small work were retained. There was no question of seniority and the employees are not entitled to be reinstated or to any compensation.

5. When the reference was taken up for hearing Shri N. K. Curumsey who is the Proprietor of the concern has stated that because of losses in the business the services of these employees had to be terminated. He has also been adjudicated as an insolvent in proceedings No. 90 of 1968. His business is closed and whatever may be the merits of the dispute he is unable to take the employees on work and unable to pay any compensation and the reference should be closed.

6. The learned Counsel for the union Shri H. K. Sowani has conceded that the employer Shri N. K. Curumsey has been adjudged to be an insolvent by the Bombay High Court in insolvency proceedings No. 90 of 1968 but he has contended that many insolvency applications filed by the businessmen are bogus and nominal and have been made with a view to defeat the claims of creditors and workers and the mere filing of an insolvency petition would not be sufficient to reject the claims of the employees. Shri K. A. Khan, the Secretary of the Transport and Dock Workers' Union has made a grievance that many of the workers have lost their dues owing to such insolvency petitions and there should be some provision protecting the workers. I do not think that I shall be justified in entering into this question.

7. The learned Counsel Shri Sowani for the union does not want to press the employees' claim in this reference. It may be that some of the insolvency applications of businessmen debtors might have been made with some ulterior motive.

However in the present case the insolvency application has not been made by the debtor himself but it is filed by the creditors. It is not in dispute that the employers a proprietary concern and there is nothing to show that the insolvency proceedings are not genuine.

8. Secondly the reference of a dispute to an Industrial Tribunal cannot be compared to a suit in a Civil Court in which the plaintiff comes with a right to some money or property. The employees cannot be said to have in every case any legal claim against the employers and as the business of the firm has been closed and the employer has been adjudged as insolvent, I do not think that any useful purpose will be served by proceeding with the reference. As the union also does not press the issue it shall have to be held that the employers were justified in terminating the services of the employees and the employees are not entitled to any relief. Hence my award accordingly.

No order as to costs.

Sd/- A. T. ZAMBRE,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[No. 28/6/68-LR-III.]

S.O. 3470.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on the 13th August, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

REFERENCE No. CGIT-2/14 of 1968

Employers in relation to the Bombay Port Trust

AND

Their workmen

PRESENT :

Shri N. K. Vanl, Presiding Officer.

APPEARANCES:

For the Employers—Shri R. K. Shetty, Dy. Legal Adviser, Bombay Port Trust, Bombay.

For the Workmen.—Dr. S. Maitra, General Secretary, Bombay Port Trust General Workers' Union, Bombay.

STATE: Maharashtra.

INDUSTRY : Port and Docks.

Bombay, dated the 1st August 1969

AWARD

By Order No. 28(65)/66-LRIV dated 8th July, 1966, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) referred to the Central Government Industrial Tribunal, Bombay, for adjudication an industrial dispute existing between the employers in relation to the Bombay Port Trust Bombay and their workmen represented by the Bombay Port Trust General Workers' Union, Bombay in respect of the matter, specified in the schedule mentioned below:—

SCHEDULE

"Whether action of the B. P. T. authorities in introducing rotation in respect of Diesel Engine Attendants between the Power House and the Salt Water Pump House at Butcher Island. with effect from 25th September, 1965, is justified? If not, to what relief are the Diesel Engine Attendants concerned entitled?"

2. Later on, the Central Government transferred this reference to this Tribunal No. 2, for adjudication by Order No. 22/8/68-LRIII dated 25th November, 1968.

3. Dr. S. Maitra, General Secretary, Bombay Port Trust General Workers' Union, Bombay on behalf of the employees has filed written statement on 12th April, 1968. His main grievance is that the action of the Bombay Port Trust authorities in introducing rotation in respect of Diesel Engine Attendants between the Power House and the Salt Water Power House, at Butcher Island with effect from 25th September, 1965 was not justifiable, that the Diesel Engine Attendants of the Power House, Butcher Island, should not be rotated with the Diesel Engine Attendants of the Salt Water Pump, that this Tribunal be pleased to award reimbursement of the wages of the Diesel Engine Attendants for the number of days during which they had not been able to work at the Salt Water Pump and also any monetary loss sustained by the Diesel Engine Attendants appointed for the Power House at the Butcher Island on account of the said wrongful decision of the employers.

4. Shri S. D. Chittar, Secretary, Bombay Port Trust has filed written statement on behalf of the Trustees of Bombay Port (hereinafter referred to as 'The Employers' on 11th July, 1968. Bombay Port Trust has raised a number of objections. As the matter has been compromised, it is not necessary to refer to all the objections. Their case in brief is that the demand of the Union should be rejected with costs and that they are justified in introducing rotation in respect of Diesel Engine Attendants between the Power House and the Salt Water Power House at Butcher Island with effect from 25th September, 1965.

5. Dy. Legal Adviser Shri R. K. Shetty and Dr. S. Maitra, General Secretary Bombay Port Trust General Workers' Union, Bombay effected a compromise as mentioned below:—

- "1. The Union agrees that the present system of posting of five Diesel Engine Attendants between the Power House and the Salt Water Pump House at M.O.T., Butcher Island, will continue and any one of the Attendants at the Salt Water Pump House will relieve the attendants at the Power House on their weekly-off days and will work there on days when they are not required at the Pump House for relieving duties.
2. The men posted at the Power House will not be required to work in the Salt Water Pump House except in times of emergency.
3. The Employers agree to put each of the existing five Diesel Engine Attendants on a 12 hours shift out of which 8 hours should be treated as normal working hours and 4 hours would be treated as overtime in the day shift. In the night shift 7 hours would be treated normal working hours and 5 hours would be treated as overtime.
4. The Employers agree not to resort to deductions contemplated in para 4(c) of their letter No. L/GEE-E(U)/2403 dated the 27th July, 1966, to the General Secretary, B.P.T. General Workers' Union, Bombay, and para 3 of the settlement dated 19th April, 1966, before the Regional Labour Commissioner (Central), Bombay.
5. The Union agrees not to raise any further dispute with regard to the working hours or on the question of overtime of the Diesel Engine Attendants at the Power House and the Salt Water Pump House at the M.O.T., Butcher Island. in the future.
6. The Union agrees to the complement of five Diesel Engine Attendants working at the Power House and at the Salt Water Pump House at M.O.T., Butcher Island, as at present."

6. On 30th July, 1969, Shri R. K. Shetty, Dy. Legal Adviser of the Bombay Port Trust and Dr. S. Maitra, General Secretary, Bombay Port Trust General Workers' Union, Bombay, have given application at Ex. 8/EW stating that the dispute under reference was amicably settled by the parties and that this Court be pleased to pass Award in terms of the same settlement.

7. As both of them have verified the settlement and the terms of settlement referred to above are just and fair, I accept the same and pass the Award in terms of the Settlement.

8. In the end I pass the following order.

ORDER

1. Award is made in terms of Settlement Ex. 7/EW.
2. Settlement at Ex. 7/EW is to form part of the Award.
3. No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial Tribunal No 2,
Bombay.

BOMBAY PORT TRUST

No. 68-II(2/14)/4941.

14th July, 1969

From, The Legal Adviser, Bombay Port Trust, "Vijay-Deep", Ballard Road, Fort, Bombay.

Shri N. K. Vani, Central Government Industrial Tribunal No. 2, 298, Bazargate Street, 4th Floor, Bombay-1.

Dear Sir,

RE: REFERENCE No. CGIT-2/14 of 1968

Rotation of Diesel Engine Attendants between the Power House and Salt Water Pump House at Butcher Island.

We are pleased to inform you that the above mentioned dispute has now been amicably settled and we have to request you to please make an award in the following terms:

1. The Union agrees that the present system of posting of five Diesel Engine Attendants between the Power House and the Salt Water Pump House at M.O.T., Butcher Island, will continue and any one of the Attendants at the Salt Water Pump House will relieve the attendants at the Power House on their weekly-off days and will work there on days when they are not required at the Pump House for relieving duties.
2. The men posted at the Power House will not be required to work in the Salt Water Pump House except in time of emergency.
3. The Employers agree to put each of the existing five Diesel Engine attendants on a 12 hours shift out of which 8 hours would be treated as normal working hours and 4 hours would be treated as overtime in the day shift. In the night shift 7 hours would be treated as normal working hours and 5 hours would be treated as overtime.
4. The Employers agree not to resort to deductions contemplated in para 4(c) of their letter No. L/GEE-E(U)/2403 dated the 27th July, 1966, to the General Secretary, B.P.T. General Workers' Union, Bombay, and para 3 of the settlement dated 19th April, 1966, before the Regional Labour Commissioner (Central), Bombay.
5. The Union agrees not to raise any further dispute with regard to the working hours or on the question of overtime of the Diesel Engine Attendants at the Power House and the Salt Water Pump House at the M.O.T., Butcher Island, in the future.
6. The Union agrees to the complement of five Diesel Engine Attendants working at the Power House and at the Salt Water Pump House at M.O.T., Butcher Island, as at present.

Yours faithfully,
Sd/- R. K. SHETTY,
Deputy Legal Adviser.
Sd/- DR. MAITRA,
General Secretary,
B. E. T. General Workers'
Union.

[No. 28/65/66-LR-IV.]

ORDER

New Delhi, the 16th August 1969

S.O. 3471.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs M. Samiuddin and Brothers, Labour Contractors to Sarat Chatterjee and Company Private Limited, Stevedores, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the Seventeen cleaning gang employees named below holding Dock Permits through Messrs J. N. Mukherjee and Company Private Limited are entitled to claim employment from their employers Messrs M. Samiuddin and Brothers on the vessels of Polish and Danish Lines, Stevedores by Messrs Sarat Chatterjee and Company Private Limited?"

"Names of the employees"

1. Md. Tasruddin
2. Md. Nasruddin
3. Md. Kamruddin
4. Md. Taslim
5. Md. Israil
6. Sri Swapan Das
7. Md. Abdul Majid
8. Md. Sabir
9. Md. Saheed.
10. Md. Saheb Ali
11. Md. Ibrahim
12. Md. Mustafa
13. Md. Zakeer
14. Md. Md. Kalim
15. Md. Nazim
16. SK. Waheb, and
17. Md. Mainuddin.

[No. 28/35/69-LWI.III.]

C. RAMDAS, Under Secy.